

April 13, 2007

**NOVA SCOTIA HOUSE OF ASSEMBLY**  
**FIRST SESSION SIXTIETH GENERAL ASSEMBLY**

**2007**

<u><b>CAP. NO.</b></u>	<u><b>BILL NO.</b></u>	<u><b>ASSENTED TO ACTS</b></u>
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1	117	Members and Public Employees Disclosure Act, 1991, c. 4; amended
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2	77	Atlantic Baptist Churches, An Act Respecting the Convention of
3	124	St. John's Anglican Church Lands Act
4	122	St. Paul's United Church Lands Act

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5	201	Appropriations Act, 2007
6	199	Democracy 250 Act
7	146	Environmental Goals and Sustainable Prosperity Act
8	106	Fees Act
9	158	Financial Measures (2007) Act
10	136	Justice Administration Amendment (2007) Act
11	163	Mandatory Retirement, An Act Respecting the Elimination of
12	138	Medal of Bravery Act
13	141	Respiratory Therapists Act
14	166	Undersea Coal Mines Regulation Act
15	145	Education Act, 1995-96, c. 1; amended
16	198	Executive Council Act, R.S., 1989, c. 155; amended
17	195	Incompetent Persons Act, R.S., 1989, c. 218, and Other Statutes; amended
18	197	Justices of the Peace Act, R.S., 1989, c. 244; amended
19	137	Livestock Health Services Act, 2001, c. 8; amended
20	168	Motor Vehicle Act, R.S., 1989, c. 293; amended
21	144	Municipal Grants Act, R.S., 1989, c. 302; amended
22	170	Provincial Parks Act, R.S., 1989, c. 367; amended
23	189	Utility and Review Board Act, 1992, c. 11; amended

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25	102	Pugwash Village Grants Act

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April 13, 2007

**NOVA SCOTIA HOUSE OF ASSEMBLY**  
**FIRST SESSION SIXTIETH GENERAL ASSEMBLY**

2006-07

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**NOVA SCOTIA HOUSE OF ASSEMBLY**  
**FIRST SESSION SIXTIETH GENERAL ASSEMBLY**

**2006-07**

Convened - June 29, 2006; Adjourned - July 14, 2006  
Reconvened - October 30, 2006; Adjourned - November 23, 2006  
Reconvened - January 8, 2007; Adjourned - January 11, 2007  
Reconvened - March 19, 2007; Adjourned - April 13, 2007

**Statutes are effective on Royal Assent except as otherwise noted**

<u>BILL NO.</u>	<u>CAP. NO.</u>	<u>STATUS</u>	<u>TITLE</u>
* 1	6 (2006)	<i>Royal Assent July 14, 2006</i>	An Act to Make Communities and Neighbourhoods Safer (Safer Communities and Neighbourhoods Act)
2		<i>First Reading</i>	An Act to Amend Chapter 246 of the Revised Statutes, 1989, the Labour Standards Code
3		<i>First Reading</i>	An Act to Amend Chapter 1 of the Acts of 1994-95, the Environment Act
4		<i>First Reading</i>	An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act
* 5	26 (2006)	<i>Royal Assent November 23, 2006</i>	An Act to Amend Chapter 123 of the Revised Statutes, 1989, the Degree Granting Act
6		<i>First Reading</i>	An Act to Amend Chapter 1 of the Acts of 1995-96, the Education Act
* 7	21 (2006)	<i>Royal Assent November 23, 2006</i>	An Act Respecting the Practice of Registered Nurses (Registered Nurses Act)

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<u>BILL NO.</u>	<u>CAP. NO.</u>	<u>STATUS</u>	<u>TITLE</u>
8		<i>First Reading</i>	An Act to Make Communities and Neighbourhoods Safer (Safer Communities and Neighbourhoods Act)
+&* 9	<b>38 (2006)</b>	<i>Royal Assent November 23, 2006</i>	An Act to Amend Chapter 18 of the Acts of 1998, the Municipal Government Act
* 10	<b>5 (2006)</b>	<i>Royal Assent July 14, 2006</i>	An Act to Combat the Production and Use of Illegal Drugs (Protection from Illegal Drugs Act)
* 11	<b>17 (2006)</b>	<i>Royal Assent November 23, 2006</i>	An Act Respecting Licensed Practical Nurses (Licensed Practical Nurses Act)
* 12	<b>27 (2006)</b>	<i>Royal Assent November 23, 2006</i>	An Act to Amend Chapter 1 of the Acts of 1995-96, the Education Act
* 13	<b>7 (2006)</b>	<i>Royal Assent July 14, 2006</i>	An Act Respecting Safer Needles in Healthcare Workplaces (Safer Needles in Healthcare Workplaces Act)
* 14	<b>44 (2006)</b>	<i>Royal Assent November 23, 2006</i>	An Act to Amend Chapter 376 of the Revised Statutes, 1989, the Public Service Act
+&* 15	<b>39 (2006)</b>	<i>Royal Assent November 23, 2006</i>	An Act to Amend Chapter 18 of the Acts of 1998, the Municipal Government Act
* 16	<b>4 (2006)</b>	<i>Royal Assent July 14, 2006</i>	An Act Respecting a Memorial Day to Honour Police and Peace Officers (Police and Peace Officers' Memorial Day Act)
* 17	<b>14 (2006)</b>	<i>Royal Assent November 23, 2006</i>	An Act Respecting the Profits of Criminal Notoriety (Criminal Notoriety Act)
18		<i>First Reading</i>	An Act to Amend Chapter 3 of the Acts of 1987, the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act

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<u>BILL NO.</u>	<u>CAP. NO.</u>	<u>STATUS</u>	<u>TITLE</u>
* 19	3 (2006)	<i>Royal Assent July 14, 2006</i>	An Act to Protect the Personal Information of Nova Scotians from Disclosure Outside Canada (Personal Information International Disclosure Protection Act)
* 20	45 (2006)	<i>Royal Assent November 23, 2006</i>	An Act to Amend Chapter 380 of the Revised Statutes, 1989, the Public Utilities Act
* 21	15 (2006)	<i>Royal Assent November 23, 2006</i>	An Act Respecting the Administration of Justice (Justice Administration Amendment (2006) Act)
* 22	35 (2006)	<i>Royal Assent November 23, 2006</i>	An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act
* 23	49 (2006)	<i>Royal Assent November 23, 2006</i>	An Act to Amend Chapter 505 of the Revised Statutes, 1989, the Wills Act
* 24	8 (2006)	<i>Royal Assent July 14, 2006</i>	An Act to Amend Chapter 6 of the Revised Statutes, 1989, the Agriculture and Marketing Act
25		<i>First Reading</i>	An Act to Amend Chapter 217 of the Revised Statutes, 1989, the Income Tax Act
26		<i>First Reading</i>	An Act to Enforce a Moratorium on Strip Mines in Cape Breton (Cape Breton Strip Mines Moratorium Act)
* 27	31 (2006)	<i>Royal Assent November 23, 2006</i>	An Act to Amend Chapter 25 of the Acts of 1996, the Fisheries and Coastal Resources Act
28	53 (2006)	<i>Royal Assent November 23, 2006</i>	An Act to Amend Chapter 89 of the Acts of 1982, the New Minas Water Commission Act

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29	55 (2006)	<i>Royal Assent November 23, 2006</i>	An Act to Amend Chapter 224 of the Acts of 1920, An Act to Incorporate the Temple Sons of Israel, Sydney
* 30	34 (2006)	<i>Royal Assent November 23, 2006</i>	An Act to Amend Chapter 4 of the Acts of 1991, the Members and Public Employees Disclosure Act
** ++&*	2 (2006)	<i>Royal Assent July 14, 2006</i>	An Act Respecting Certain Financial Measures (Financial Measures (2006) Act)
32		<i>First Reading</i>	An Act to Amend Chapter 27 of the Acts of 1998, the Wilderness Areas Protection Act
33		<i>First Reading</i>	An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act
34	11 (2006)	<i>Royal Assent July 14, 2006</i>	An Act Respecting The Maritime Conservatory of Music and the Maritime Conservatory of Performing Arts Society (Maritime Conservatory Reorganization Act)
35		<i>First Reading</i>	An Act to Establish the Junior Order of Nova Scotia (Junior Order of Nova Scotia Act)
36		<i>First Reading</i>	An Act Respecting the Establishment of a Process to Implement Senior Home Medication Reviews (Senior Home Medication Review Act)
37		<i>First Reading</i>	An Act to Amend Chapter 217 of the Revised Statutes, 1989, the Income Tax Act
38		<i>First Reading</i>	An Act to Amend Chapter 213 of the Revised Statutes, 1989, the Assessment Act

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<u>BILL NO.</u>	<u>CAP. NO.</u>	<u>STATUS</u>	<u>TITLE</u>
39		<i>First Reading</i>	An Act to Ensure a Right of Way for the Beechville Baptist Church to Lovett Lake for Baptisms (Beechville Baptist Church Act)
40		<i>First Reading</i>	An Act to Amend Chapter 27 of the Acts of 2000, the Employment Support and Income Assistance Act
* 41	<b>50 (2006)</b>	<i>Royal Assent November 23, 2006</i>	An Act to Exempt the Kingston Food Bank from Municipal Taxation in the County of Kings (Kingston Food Bank Act)
42		<i>First Reading</i>	An Act to Amend Chapter 18 of the Acts of 1998, the Municipal Government Act
43		<i>Referred to Committee on Law Amendments</i>	An Act to Assist in the Retention of Doctors in Nova Scotia
44		<i>First Reading</i>	An Act to Amend Chapter 380 of the Revised Statutes, 1989, the Public Utilities Act
* 45	<b>10 (2006)</b>	<i>Royal Assent July 14, 2006</i>	An Act to Amend Chapter 246 of the Revised Statutes, 1989, the Labour Standards Code
46		<i>First Reading</i>	An Act to Amend Chapter 147 of the Revised Statutes, 1989, the Energy Resources Conservation Act
* 47	<b>9 (2006)</b>	<i>Royal Assent July 14, 2006</i>	An Act to Amend Chapter 1 (1992 Supp.) of the Revised Statutes, 1989, the House of Assembly Act
48		<i>First Reading</i>	An Act to Amend Chapter 23 of the Revised Statutes, 1989, the Assessment Act

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<u>BILL NO.</u>	<u>CAP. NO.</u>	<u>STATUS</u>	<u>TITLE</u>
49		<i>First Reading</i>	An Act to Set Criteria for Prioritizing Road Improvement Projects (Road Improvements Act)
50		<i>First Reading</i>	An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act
51		<i>First Reading</i>	An Act to Amend Chapter 10 of the Acts of 1994-95, the Workers' Compensation Act
52		<i>First Reading</i>	An Act to Amend Chapter 199 of the Revised Statutes, 1989, the Heritage Property Act
53		<i>First Reading</i>	An Act to Amend Chapter 120 of the Revised Statutes, 1989, the Day Care Act
54		<i>First Reading</i>	An Act to Amend Chapter 27 of the Acts of 1998, the Wilderness Areas Protection Act
55		<i>First Reading</i>	An Act to Amend Chapter 371 of the Revised Statutes, 1989, the Public Highways Act
56		<i>First Reading</i>	An Act to Amend Chapter 179 of the Revised Statutes, 1989, the Forests Act
+	57	<b>1 (2006)</b> <i>Royal Assent July 14, 2006</i>	An Act to Provide for Defraying Certain Charges and Expenses of the Public Service of the Province (Appropriations Act, 2006)
*	58	<b>16 (2006)</b> <i>Royal Assent November 23, 2006</i>	An Act Respecting the Administration of Justice (Justice Administration Amendment (Fall 2006) Act)

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59		<i>First Reading</i>	An Act to Amend Chapter 402 of the Revised Statutes, 1989, the Retail Business Uniform Closing Day Act
60		<i>First Reading</i>	An Act Respecting the Holiday Closing of Retail Businesses (Retail Business Holiday Closing Act)
* 61	36 (2006)	<i>Royal Assent</i> <i>November 23, 2006</i>	An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act
+&* 62	47 (2006)	<i>Royal Assent</i> <i>November 23, 2006</i>	An Act to Amend Chapter 14 of the Acts of 1993, the Tobacco Access Act
63		<i>First Reading</i>	An Act to Establish a Board to Distribute to Charities One Half of the Profits From the Sydney Casino (Sydney Casino Profits Distribution Act)
64		<i>First Reading</i>	An Act to Provide Access to Defibrillators (Defibrillators Act)
65		<i>First Reading</i>	An Act to Establish Joseph Howe Day (Joseph Howe Day Act)
66		<i>First Reading</i>	An Act Respecting the Enhancement of School Libraries (Right to Read Act)
* 67	23 (2006)	<i>Royal Assent</i> <i>November 23, 2006</i>	An Act to Amend Chapter 1 of the Acts of 2003, the Apprenticeship and Trades Qualifications Act
* 68	42 (2006)	<i>Royal Assent</i> <i>November 23, 2006</i>	An Act to Amend Chapter 340 of the Revised Statutes, 1989, the Pension Benefits Act
* 69	33 (2006)	<i>Royal Assent</i> <i>November 23, 2006</i>	An Act to Amend Chapter 6 of the Acts of 1994-95, the Maintenance Enforcement Act

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<u>BILL NO.</u>	<u>CAP. NO.</u>	<u>STATUS</u>	<u>TITLE</u>
* 70	20 (2006)	<i>Royal Assent November 23, 2006</i>	An Act to Declare the Brook Trout to be the Provincial Fish of Nova Scotia (Provincial Fish Act)
71		<i>First Reading</i>	An Act to Amend Chapter 1 of the Acts of 1995-96, the Education Act
72	52 (2006)	<i>Royal Assent November 23, 2006</i>	An Act to Amend Chapter 55 of the Acts of 1963, the Halifax Regional Water Commission Act
73		<i>First Reading</i>	An Act Respecting the Protection and Portability of Health Insurance (Health Insurance Protection Act)
74		<i>First Reading</i>	An Act to Establish a Committee to Develop a Poverty Reduction Strategy in Nova Scotia (Poverty Reduction Strategy Act)
* 75	46 (2006)	<i>Royal Assent November 23, 2006</i>	An Act to Amend Chapter 418 of the Revised Statutes, 1989, the Securities Act
76		<i>First Reading</i>	An Act Respecting the Digby Rock Quarry and North Mountain Mining (Digby Mining Moratorium Act)
77	2 (2007)	<i>Royal Assent January 11, 2007</i>	An Act Respecting the Convention of Atlantic Baptist Churches
* 78	41 (2006)	<i>Royal Assent November 23, 2006</i>	An Act to Amend Chapter 9 of the Acts of 2001, the Order of Nova Scotia Act
79		<i>First Reading</i>	An Act to Re-establish the Nova Scotia Arts Council
* 80	13 (2006)	<i>Royal Assent November 23, 2006</i>	An Act to Protect the Civilian Employment of Members of the Canadian Forces Reserves (Canadian Forces Reservists Protection Act)

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<u>BILL NO.</u>	<u>CAP. NO.</u>	<u>STATUS</u>	<u>TITLE</u>
81		<i>First Reading</i>	An Act to Amend Chapter 246 of the Revised Statutes, 1989, the Labour Standards Code, to Provide Employees a Longer Weekly Period of Rest
82		<i>First Reading</i>	An Act to Amend Chapter 7 of the Acts of 1996, the Occupational Health and Safety Act
* 83	32 (2006)	<i>Royal Assent November 23, 2006</i>	An Act to Amend Chapter 246 of the Revised Statutes, 1989, the Labour Standards Code, to Provide Employees with a Rest or Eating Break
* 84	22 (2006)	<i>Royal Assent November 23, 2006</i>	An Act Respecting the Municipal Taxation of Wind Turbine Facilities (Wind Turbine Facilities Municipal Taxation Act)
* 85	54 (2006)	<i>Royal Assent November 23, 2006</i>	An Act Respecting the Transfer of Assets and Liabilities of the Nova Scotia Freemasons' Home to The Masonic Foundation of Nova Scotia
* 86	37 (2006)	<i>Royal Assent November 23, 2006</i>	An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act
* 87	25 (2006)	<i>Royal Assent November 23, 2006</i>	An Act to Amend Chapter 92 of the Revised Statutes, 1989, the Consumer Protection Act
88	51 (2006)	<i>Royal Assent November 23, 2006</i>	An Act Respecting the Taxation of Stora Enso Port Hawkesbury Limited by the Municipality of the County of Richmond (Richmond Stora Enso Taxation Act)
* 89	43 (2006)	<i>Royal Assent November 23, 2006</i>	An Act to Amend Chapter 238 of the Revised Statutes, 1989, the Provincial Court Act

- \* Effective on proclamation
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<u>BILL NO.</u>	<u>CAP. NO.</u>	<u>STATUS</u>	<u>TITLE</u>
90		<i>First Reading</i>	An Act to Amend Chapter 371 of the Revised Statutes, 1989, the Public Highways Act
* 91	<b>48 (2006)</b>	<i>Royal Assent November 23, 2006</i>	An Act to Amend Chapter 475 of the Revised Statutes, 1989, the Trade Union Act
* 92	<b>24 (2006)</b>	<i>Royal Assent November 23, 2006</i>	An Act to Amend Chapter 23 of the Revised Statutes, 1989, the Assessment Act
93		<i>First Reading</i>	An Act to Amend Chapter 449 of the Revised Statutes, 1989, the Student Aid Act
* 94	<b>19 (2006)</b>	<i>Royal Assent November 23, 2006</i>	An Act to Establish the Property Valuation Services Corporation (Property Valuation Services Corporation Act)
** ++&* 95	<b>40 (2006)</b>	<i>Royal Assent November 23, 2006</i>	An Act to Amend Chapter 18 of the Acts of 1998, the Municipal Government Act
96		<i>First Reading</i>	An Act to Repeal Chapter 11 of the Acts of 2005, the Petroleum Products Pricing Act
97		<i>First Reading</i>	An Act to Amend Chapter 6 of the Acts of 2000, the Health Authorities Act
98		<i>First Reading</i>	An Act to Amend Chapter 17 of the Acts of 1995-96, the Revenue Act
99		<i>First Reading</i>	An Act to Amend Chapter 6 of the Acts of 2000, the Health Authorities Act
100		<i>First Reading</i>	An Act to Amend Chapter 21 of the Acts of 1990, the Public Prosecutions Act
101		<i>First Reading</i>	An Act to Amend Chapter 5 of the Acts of 1993, the Freedom of Information and Protection of Privacy Act, to Restrict the Payment of Fees

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<u>BILL NO.</u>	<u>CAP. NO.</u>	<u>STATUS</u>	<u>TITLE</u>
102	25 (2007)	<i>Royal Assent April 13, 2007</i>	An Act to Authorize the Village of Pugwash to Make Grants or Contributions to Certain Organizations (Pugwash Village Grants Act)
103		<i>First Reading</i>	An Act to Recognize the Central Role of the Arts in Nova Scotia by Re-establishing an Arms-length Arts Council (Arts Council Act)
104		<i>First Reading</i>	An Act to Amend Chapter 5 of the Acts of 1993, the Freedom of Information and Protection of Privacy Act, to Prohibit the Disclosure of the Identity of an Applicant for Information
105	24 (2007)	<i>Royal Assent April 13, 2007</i>	An Act to Authorize the Village of Pugwash to Make a Capital Grant to the Pugwash District Volunteer Fire Department (Pugwash Village Capital Grant Act)
* 106	8 (2007)	<i>Royal Assent April 13, 2007</i>	An Act to Respecting Fees Collected by the Government of Nova Scotia (Fees Act)
* 107	18 (2006)	<i>Royal Assent November 23, 2006</i>	An Act Respecting Midwifery (Midwifery Act)
108		<i>First Reading</i>	An Act to Amend Chapter 475 of the Revised Statutes, 1989, the Trade Union Act, Respecting First-contract Arbitration
109		<i>First Reading</i>	An Act to Amend Chapter 7 of the Acts of 1996, the Occupational Health and Safety Act
110		<i>First Reading</i>	An Act to Amend Chapter 1 of the Acts of 1994-95, the Environment Act

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<u>BILL NO.</u>	<u>CAP. NO.</u>	<u>STATUS</u>	<u>TITLE</u>
111		<i>First Reading</i>	An Act to Amend Chapter 222 of the Revised Statutes, 1989, the Industrial Development Act
112		<i>First Reading</i>	An Act Respecting the Establishment of a Domestic Violence Prevention Committee in Nova Scotia (Domestic Violence Elimination Act)
* 113	<b>30 (2006)</b>	<i>Royal Assent</i> <i>November 23, 2006</i>	An Act to Amend Chapter 1 of the Acts of 1994-95, the Environment Act
* 114	<b>29 (2006)</b>	<i>Royal Assent</i> <i>November 23, 2006</i>	An Act to Amend Chapter 148 of the Revised Statutes, 1989, the Engineering Profession Act
* 115	<b>12 (2006)</b>	<i>Royal Assent</i> <i>November 23, 2006</i>	An Act Respecting the Practice of Architecture (Architects Act)
116		<i>First Reading</i>	An Act Respecting the Appointment and Duties of a Commissioner to Ensure the Fair Access to Regulated Professions (Access to Regulated Professions Act)
* 117	<b>1 (2007)</b>	<i>Royal Assent</i> <i>January 11, 2007</i>	An Act to Amend Chapter 4 of the Acts of 1991, the Members and Public Employees Disclosure Act
118		<i>First Reading</i>	An Act to Amend Chapter 217 of the Revised Statutes, 1989, the Income Tax Act
* 119	<b>28 (2006)</b>	<i>Royal Assent</i> <i>November 23, 2006</i>	An Act to Amend Chapter 140 of the Revised Statutes, 1989, the Elections Act
120		<i>First Reading</i>	An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act

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<u>BILL NO.</u>	<u>CAP. NO.</u>	<u>STATUS</u>	<u>TITLE</u>
121		<i>First Reading</i>	An Act to Amend Chapter 130 of the Revised Statutes, 1989, the Disabled Persons' Commission Act
122	4 (2007)	<i>Royal Assent January 11, 2007</i>	An Act Respecting the Lands of St. Paul's United Church of Blue Rocks (St. Paul's United Church Lands Act)
123		<i>First Reading</i>	An Act to Establish a Commission Respecting the Heritage of Nova Scotia's Capital (Provincial Capital Heritage Commission Act)
124	3 (2007)	<i>Royal Assent January 11, 2007</i>	An Act to Clarify the Title to Lands of St. John's Anglican Church of Lunenburg (St. John's Anglican Church Lands Act)
125		<i>First Reading</i>	An Act to Permit Retail Workers to Refuse Work (Retail Workers' Right to Refuse Work Act)
126		<i>First Reading</i>	An Act Respecting Health Facilities Licensing and Equitable Access to Insured Services (Health Facilities Licensing Act)
127		<i>First Reading</i>	An Act to Amend Chapter 214 of the Revised Statutes, 1989, the Human Rights Act
128		<i>First Reading</i>	An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act
129		<i>First Reading</i>	An Act Respecting a Moratorium on Approvals of Small Options Homes (Small Options Homes Moratorium Termination Act)
130		<i>First Reading</i>	An Act to Amend Chapter 376 of the Revised Statutes, 1989, the Public Service Act

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<u>BILL NO.</u>	<u>CAP. NO.</u>	<u>STATUS</u>	<u>TITLE</u>
131		<i>First Reading</i>	An Act to Repeal Chapter 477 of the Revised Statutes, 1989, the Treasure Trove Act
132		<i>First Reading</i>	An Act to Amend Chapter 199 of the Revised Statutes, 1989, the Heritage Property Act
133		<i>First Reading</i>	An Act to Amend Chapter 92 of the Revised Statutes, 1989, the Consumer Protection Act
134		<i>First Reading</i>	An Act to Amend Chapter 2 of the Revised Statutes, 1989, the Adult Protection Act
135		<i>Referred to Committee on Law Amendments</i>	An Act to Amend Chapter 238 of the Revised Statutes, 1989, the Provincial Court Act
* 136	<b>10 (2007)</b>	<i>Royal Assent April 13, 2007</i>	An Act Respecting the Administration of Justice (Justice Administration Amendment (2007) Act)
* 137	<b>19 (2007)</b>	<i>Royal Assent April 13, 2007</i>	An Act to Amend Chapter 8 of the Acts of 2001, the Livestock Health Services Act
+&* 138	<b>12 (2007)</b>	<i>Royal Assent April 13, 2007</i>	An Act to Establish an Award to Recognize Bravery of Nova Scotians (Medal of Bravery Act)
139		<i>First Reading</i>	An Act Respecting a Secretariat to Promote Nova Scotia as the Atlantic Gateway (Atlantic Gateway Secretariat Act)
140		<i>First Reading</i>	An Act to Amend Chapter 217 of the Revised Statutes, 1989, the Income Tax Act, Respecting Public Transit

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<u>BILL NO.</u>	<u>CAP. NO.</u>	<u>STATUS</u>	<u>TITLE</u>
* 141	13 (2007)	<i>Royal Assent April 13, 2007</i>	An Act Respecting the Practice of Respiratory Therapists (Respiratory Therapists Act)
142		<i>First Reading</i>	An Act to Amend Chapter 71 of the Revised Statutes, 1989, the Civil Service Collective Bargaining Act
143		<i>First Reading</i>	An Act to Amend Chapter 217 of the Revised Statutes, 1989, the Income Tax Act, Respecting Fuel-efficient Vehicles
* 144	21 (2007)	<i>Royal Assent April 13, 2007</i>	An Act to Amend Chapter 302 of the Revised Statutes, 1989, the Municipal Grants Act
* 145	15 (2007)	<i>Royal Assent April 13, 2007</i>	An Act to Amend Chapter 1 of the Acts of 1995-96, the Education Act
* 146	7 (2007)	<i>Royal Assent April 13, 2007</i>	An Act Respecting Environmental Goals and Sustainable Prosperity (Environmental Goals and Sustainable Prosperity Act)
147		<i>First Reading</i>	An Act to Amend Chapter 25 of the Acts of 2004, the Electricity Act, Respecting Renewable Energy Standards
148		<i>First Reading</i>	An Act to Amend Chapter 27 of the Acts of 2000, the Employment Support and Income Assistance Act
149		<i>First Reading</i>	An Act to Amend Chapter 25 of the Acts of 2004, the Electricity Act, Respecting Renewable Energy Providers
150		<i>First Reading</i>	An Act to Declare the Sable Island Horse to be the Provincial Horse of Nova Scotia (Provincial Horse Act)

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<u>BILL NO.</u>	<u>CAP. NO.</u>	<u>STATUS</u>	<u>TITLE</u>
151		<i>First Reading</i>	An Act to Amend Chapter 155 of the Revised Statutes, 1989, the Executive Council Act, and Chapter 376 of the Revised Statutes, 1989, the Public Service Act
152		<i>First Reading</i>	An Act to Amend Chapter 380 of the Revised Statutes, 1989, the Public Utilities Act
153		<i>First Reading</i>	An Act to Amend Chapter 376 of the Revised Statutes, 1989, the Public Service Act, to Establish the Small Business Service Agency
154		<i>First Reading</i>	An Act to Amend Chapter 179 of the Revised Statutes, 1989, the Forests Act, Respecting Watercourses
155		<i>First Reading</i>	An Act to Amend Chapter 179 of the Revised Statutes, 1989, the Forests Act, Respecting Forestry Management
156		<i>First Reading</i>	An Act to Amend Chapter 504 of the Revised Statutes, 1989, the Wildlife Act
157		<i>First Reading</i>	An Act to Require the Payment of a Royalty on the Bottling of Water (Water Royalty Act)
** ++&*	158	9 (2007) <i>Royal Assent</i>	An Act Respecting Certain Financial Measures (Financial Measures (2007) Act)
159		<i>First Reading</i>	An Act to Amend Chapter 1 of the Acts of 1995-96, the Education Act
160		<i>First Reading</i>	An Act to Amend Chapter 23 of the Revised Statutes, 1989, the Assessment Act, to Exempt Renewable-energy Production Facilities from Property Tax

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<u>BILL NO.</u>	<u>CAP. NO.</u>	<u>STATUS</u>	<u>TITLE</u>
161		<i>First Reading</i>	An Act to Amend Chapter 449 of the Revised Statutes, 1989, the Student Aid Act
162		<i>First Reading</i>	An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act
* & § 163	11 (2007)	<i>Royal Assent April 13, 2007</i>	An Act Respecting the Elimination of Mandatory Retirement
164		<i>First Reading</i>	An Act to Amend Chapter 4 of the Acts of 2004, the Health Protection Act
165		<i>First Reading</i>	An Act to Amend Chapter 1 of the Acts of 1994-95, the Environment Act
* 166	14 (2007)	<i>Royal Assent April 13, 2007</i>	An Act to Facilitate the Effective Regulation of Undersea Coal Mines in the Province (Undersea Coal Mines Regulation Act)
167		<i>First Reading</i>	An Act to Eliminate Mandatory Retirement (Mandatory Retirement Elimination Act)
* 168	20 (2007)	<i>Royal Assent April 13, 2007</i>	An Act Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act
169		<i>First Reading</i>	An Act to Amend Chapter 231 of the Revised Statutes, 1989, the Insurance Act
170	22 (2007)	<i>Royal Assent April 13, 2007</i>	An Act to Amend Chapter 367 of the Revised Statutes, 1989, the Provincial Parks Act
171		<i>First Reading</i>	An Act to Require the Development and Implementation of a Palliative Care Strategy for Nova Scotia (Palliative Care Strategy Act)

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<u>BILL NO.</u>	<u>CAP. NO.</u>	<u>STATUS</u>	<u>TITLE</u>
172		<i>First Reading</i>	An Act to Amend Chapter 23 of the Revised Statutes, 1989, the Assessment Act, to Exempt Food Banks from Property Tax
173		<i>First Reading</i>	An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act, Respecting Crosswalks
174		<i>First Reading</i>	An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act, Respecting Cellular Telephones
175		<i>First Reading</i>	An Act to Amend Chapter 1 of the Acts of 1995-96, the Education Act, Requiring Sidewalks in School Areas
176		<i>First Reading</i>	An Act to Amend Chapter 4 of the Acts of 1994-95, the Gaming Control Act
177		<i>First Reading</i>	An Act to Amend Chapter 3 of the Acts of 1998, the Video Lottery Terminals Moratorium Act
178		<i>First Reading</i>	An Act to Require that Government Buildings Constructed in the Future Comply with Green Energy and Environmental Design Standards (Green Buildings Act)
179		<i>First Reading</i>	An Act to Amend Chapter 340 of the Revised Statutes, 1989, the Pension Benefits Act
180		<i>First Reading</i>	An Act to Amend Chapter 27 of the Acts of 2000, the Employment Support and Income Assistance Act
181		<i>First Reading</i>	An Act to Require the Monitoring of the Health Effects of the Tar Ponds Site (Tar Ponds Monitoring Act)

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<u>BILL NO.</u>	<u>CAP. NO.</u>	<u>STATUS</u>	<u>TITLE</u>
182		<i>First Reading</i>	An Act to Require a Consultation Process Respecting the Accessibility of Mental Healthcare Services in Nova Scotia (Mental Healthcare Accessibility Act)
183		<i>First Reading</i>	An Act to Require the Expansion of Broadband Internet Coverage to all of Nova Scotia
184		<i>First Reading</i>	An Act to Amend Chapter 1 of the Acts of 1994-95, the Environment Act
185		<i>First Reading</i>	An Act to Promote Greater Energy Efficiency in Nova Scotia
186		<i>First Reading</i>	An Act to Amend Chapter 300 of the Revised Statutes, 1989, the Municipal Elections Act
187		<i>First Reading</i>	An Act to Make Nova Scotia a Leader in the Use of Energy-efficient Appliances
188		<i>First Reading</i>	An Act to Amend Chapter 31 of the Acts of 1996, the Sales Tax Act
* 189	23 (2007)	<i>Royal Assent April 13, 2007</i>	An Act to Amend Chapter 11 of the Acts of 1992, the Utility and Review Board Act
190		<i>First Reading</i>	An Act to Provide for a Privacy Commissioner for Nova Scotia (Privacy Commissioner Act)
191		<i>First Reading</i>	An Act to Amend Chapter 1 of the Acts of 1995-96, the Education Act
192		<i>First Reading</i>	An Act to Amend Chapter 81 of the Revised Statutes, 1989, the Companies Act
193		<i>First Reading</i>	An Act to Amend Chapter 18 of the Acts of 1998, the Municipal Government Act

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<u>BILL NO.</u>	<u>CAP. NO.</u>	<u>STATUS</u>	<u>TITLE</u>
194		<i>First Reading</i>	An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act
* 195	<b>17 (2007)</b>	<i>Royal Assent April 13, 2007</i>	An Act to Amend Chapter 218 of the Revised Statutes, 1989, the Incompetent Persons Act, and Certain Other Statutes
196		<i>First Reading</i>	An Act to Require the Minister of Immigration to Implement an Apprenticeship Program for Newcomers and Internationally Trained Persons (Apprenticeship Program to Assist Immigration Act)
* 197	<b>18 (2007)</b>	<i>Royal Assent April 13, 2007</i>	An Act to Amend Chapter 244 of the Revised Statutes, 1989, the Justices of the Peace Act
* 198	<b>16 (2007)</b>	<i>Royal Assent April 13, 2007</i>	An Act to Amend Chapter 155 of the Revised Statutes, 1989, the Executive Council Act
* 199	<b>6 (2007)</b>	<i>Royal Assent April 13, 2007</i>	An Act to Celebrate the 250th Anniversary of Democracy in Nova Scotia (Democracy 250 Act)
200		<i>First Reading</i>	An Act to Amend Chapter 23 of the Revised Statutes, 1989, the Assessment Act
+ 201	<b>5 (2007)</b>	<i>Royal Assent April 13, 2007</i>	An Act to Provide for Defraying Certain Charges and Expenses of the Public Service of the Province (Appropriations Act, 2007)

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# **BILL NO. 102**

*Local Bill*

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*1st Session, 60th General Assembly  
Nova Scotia  
55 Elizabeth II, 2006*

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**An Act to Authorize  
the Village of Pugwash to Make Grants  
or Contributions to Certain Organizations**

CHAPTER 25  
ACTS OF 2007

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
APRIL 13, 2007**

The Honourable Ernest L. Fage  
*Cumberland North*

---

*Halifax, Nova Scotia  
Printed by Authority of the Speaker of the House of Assembly*



**An Act to Authorize  
the Village of Pugwash to Make Grants  
or Contributions to Certain Organizations**

Be it enacted by the Governor and Assembly as follows:

- 1 This Act may be cited as the *Pugwash Village Grants Act*.
  - 2 In this Act,
    - (a) "Commission" means the Pugwash Village Commission;
    - (b) "Village" means the Village of Pugwash.
  - 3 The Commission may make a grant or contribution to
    - (a) an agency within the meaning of the *Children and Family Services Act*;
    - (b) a mental-health clinic in receipt of financial assistance from Her Majesty in right of the Province;
    - (c) an exhibition held by an educational institution in the Village;
    - (d) a club, association or exhibition within the meaning of the *Agriculture and Marketing Act*;
    - (e) a charitable, nursing, medical, athletic, educational, environmental, cultural, community, fraternal, recreational, religious, sporting or social organization within the areas served by the Pugwash District High School;
    - (f) a registered Canadian charitable organization.
  - 4 The Commission shall publish annually in a newspaper circulating in the Village a list of the amounts and recipients of all grants and contributions made during the preceding year.
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# **BILL NO. 105**

*Local Bill*

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*1st Session, 60th General Assembly  
Nova Scotia  
55 Elizabeth II, 2006*

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## **An Act to Authorize the Village of Pugwash to Make a Capital Grant to the Pugwash District Volunteer Fire Department**

CHAPTER 24  
ACTS OF 2007

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
APRIL 13, 2007**

The Honourable Ernest L. Fage  
*Cumberland North*

---

*Halifax, Nova Scotia  
Printed by Authority of the Speaker of the House of Assembly*





**An Act to Authorize the Village of Pugwash  
to Make a Capital Grant  
to the Pugwash District Volunteer Fire Department**

Be it enacted by the Governor and Assembly as follows:

- 1 This Act may be cited as the *Pugwash Village Capital Grant Act*.
  - 2 In this Act,
    - (a) "Commission" means the Pugwash Village Commission;
    - (b) "Village" means the Village of Pugwash.
  - 3 The Commission may make a capital grant of the net proceeds of the sale of the Village fire hall to the Pugwash District Volunteer Fire Department.
  - 4 Upon the making of the grant pursuant to Section 3, the Commission shall publish in a newspaper circulating in the Village the amount of the grant.
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# **BILL NO. 189**

*Government Bill*

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*1st Session, 60th General Assembly  
Nova Scotia  
56 Elizabeth II, 2007*

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## **An Act to Amend Chapter 11 of the Acts of 1992, the Utility and Review Board Act**

CHAPTER 23  
ACTS OF 2007

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
APRIL 13, 2007**

The Honourable Michael G. Baker, Q.C.  
*Minister responsible for the Utility and Review Board Act*

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*Halifax, Nova Scotia  
Printed by Authority of the Speaker of the House of Assembly*



**An Act to Amend Chapter 11  
of the Acts of 1992,  
the Utility and Review Board Act**

Be it enacted by the Governor and Assembly as follows:

**1** Subsection 5(3) of Chapter 11 of the Acts of 1992, the *Utility and Review Board Act*, is amended by striking out "sixty-five" in the second line and substituting "seventy".

**2** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

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# **BILL NO. 170**

*Private Member's Bill*

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*1st Session, 60th General Assembly  
Nova Scotia  
56 Elizabeth II, 2007*

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## **An Act to Amend Chapter 367 of the Revised Statutes, 1989, the Provincial Parks Act**

CHAPTER 22  
ACTS OF 2007

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
APRIL 13, 2007**

Bill Estabrooks  
*Timberlea-Prospect*





**An Act to Amend Chapter 367  
of the Revised Statutes, 1989,  
the Provincial Parks Act**

Be it enacted by the Governor and Assembly as follows:

**1 Chapter 367 of the Revised Statutes, 1989, the *Provincial Parks Act*, is amended by adding immediately after Section 9 the following Section:**

9A The Lewis Lake Provincial Park is renamed as "Jerry Lawrence Provincial Park".

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# **BILL NO. 144**

*Government Bill*

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*1st Session, 60th General Assembly  
Nova Scotia  
56 Elizabeth II, 2007*

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## **An Act to Amend Chapter 302 of the Revised Statutes, 1989, the Municipal Grants Act**

CHAPTER 21  
ACTS OF 2007

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
APRIL 13, 2007**

The Honourable Jamie Muir  
*Minister of Service Nova Scotia and Municipal Relations*

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*Halifax, Nova Scotia  
Printed by Authority of the Speaker of the House of Assembly*



**An Act to Amend Chapter 302  
of the Revised Statutes, 1989,  
the Municipal Grants Act**

Be it enacted by the Governor and Assembly as follows:

**1** Subsection 4(2) of Chapter 302 of the Revised Statutes, 1989, the *Municipal Grants Act*, as amended by Chapter 7 of the Acts of 1994-95, Chapter 9 of the Acts of 2003 and Chapter 6 of the Acts of 2005, is further amended by striking out "fifty per cent of" in the second and third lines.

**2** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

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**An Act to Amend Chapter 302  
of the Revised Statutes, 1989,  
the Municipal Grants Act**

Be it enacted by the Governor and Assembly as follows:

**1** Subsection 4(2) of Chapter 302 of the Revised Statutes, 1989, the *Municipal Grants Act*, as amended by Chapter 7 of the Acts of 1994-95, Chapter 9 of the Acts of 2003 and Chapter 6 of the Acts of 2005, is further amended by striking out "fifty per cent of" in the second and third lines.

**2** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

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# **BILL NO. 168**

*Government Bill*

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*1st Session, 60th General Assembly  
Nova Scotia  
56 Elizabeth II, 2007*

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## **An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act**

CHAPTER 20  
ACTS OF 2007

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
APRIL 13, 2007**

The Honourable Angus MacIsaac  
*Minister of Transportation and Public Works*

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*Halifax, Nova Scotia  
Printed by Authority of the Speaker of the House of Assembly*



**An Act to Amend Chapter 293  
of the Revised Statutes, 1989,  
the Motor Vehicle Act**

Be it enacted by the Governor and Assembly as follows:

**1 Section 2 of Chapter 293 of the Revised Statutes, 1989, the *Motor Vehicle Act*, as amended by Chapter 24 of the Acts of 1994, Chapter 12 of the Acts of 1994-95, Chapter 23 of the Acts of 1995-96, Chapter 12 of the Acts of 2001, Chapter 20 of the Acts of 2002, Chapter 42 of the Acts of 2004 and Chapter 35 of the Acts of 2006, is further amended by adding immediately after clause (o) the following clause:**

(oa) "experienced driver" means a person

(i) who has a valid driver's license of class 1, 2, 3, 4 or 5 as set out in regulations made pursuant to Section 66 for at least three years or three years experience as a licensed driver in another province of Canada, state or country recognized by the Department as equivalent experience or a combination of experience as a licensed driver under this Act and as a licensed driver in another province of Canada, state or country,

(ii) who holds a valid driver's license of class 1, 2, 3, 4 or 5 as set out in regulations made pursuant to Section 66 for the class of vehicle being operated, and

(iii) whose status is not that of a newly licensed driver under this Act and has not had such a status at anytime in the preceding twelve months;

**2 Subsection 66(1) of Chapter 293 is amended by striking out the period at the end of clause (d) and substituting a semicolon and adding the following clauses:**

(e) defining the term "family member" for the purpose of subsection (5) of Section 70A;

(f) prescribing the competency evaluations that a driver must complete to make a successful application under subsection (6A) of Section 70 and subsection (3A) of Section 70A;

(g) prescribing restrictions on the license of any class or status of driver's license;

(h) creating offences and penalties for breaches of any regulations made under this Section.

**3 (1) Subsection 70(1) of Chapter 293 is repealed.**

**(2) Clause 70(2)(b) of Chapter 293 is repealed.**

**(3) Subsection 70(4) of Chapter 293, as enacted by Chapter 24 of the Acts of 1994, is amended by striking out "licensed" in the fourth line and substituting "experienced".**

**(4) Subsection 70(6) of Chapter 293 is repealed and the following subsections substituted:**

(6) A licensed learner may, while the license is in force, apply to the Registrar for the status of newly licensed driver

(a) at any time if the person held a class 1, 2, 3, 4 or 5 driver's license as set out in regulations made pursuant to Section 66 or an equivalent license in another province of Canada, state or country;

(b) at any time after the completion of three months as a licensed learner if the person has successfully completed a driver education or training program approved by the Department; or

(c) at any time after the completion of six months as a licensed learner.

(6A) Notwithstanding subsection (6), a licensed learner who has been issued a license at anytime after the coming into force of this subsection may only apply to the Registrar for the status of newly licensed driver

(a) at any time if the person held a class 1, 2, 3, 4 or 5 driver's license as set out in regulations made pursuant to Section 66 or an equivalent license in another province of Canada, state or country; or

(b) at any time after the completion of

(i) twelve months as a licensed learner or nine months as a licensed learner if the person has successfully completed a driver education or training program approved by the Department, and

(ii) a competency evaluation where prescribed by the regulations.

(6B) The Registrar shall refuse an application pursuant to subsection (6A) if

(a) the applicant has accumulated four or more points on his or her driving record in the twelve months preceding the application;

(b) the applicant is a probationary driver and has accumulated three or more points on his or her driving record in the twelve months preceding the application;

(c) the Registrar, in the Registrar's sole discretion, is not satisfied that the applicant has demonstrated safe and prudent driving habits; or

(d) the applicant has been convicted of an offence within the twelve months preceding the application that results in a subsequent revocation under Section 278 or a suspension of the driver's license or privilege of obtaining a driver's license pursuant to Section 100A, 100B, 205, 227, 279, 279A or 279C, subsection (6) of Section 282, subsection (10) of Section 282, subsection (3) of Section 283 or subsection (6) of Section 283.

(6C) A licensed learner whose driver's license or privilege of obtaining a driver's license has been revoked or suspended pursuant to Section 100A, 100B, 205, 227, 278, 279, 279A or 279C, subsection (6) of Section 282, subsec-

tion (10) of Section 282, subsection (3) of Section 283 or subsection (6) of Section 283 shall, upon restoration of the driver's license, be required to complete the minimum requirements under this Section as a licensed learner from the date of restoration.

**(5) Subsection 70(10) of Chapter 293 is repealed and the following subsection substituted:**

(10) Where a person, other than the driver, occupying a front seating position of a motor vehicle being operated by a licensed learner directly or indirectly pretends to be an experienced driver within the meaning of this Act when the person is not an experienced driver within the meaning of this Act, such person is guilty of an offence.

**4 (1) Section 70A of Chapter 293, as enacted by Chapter 24 of the Acts of 1994 and amended by Chapter 11 of the Acts of 1999, is amended by adding immediately after subsection (3) the following subsection:**

(3A) Notwithstanding subsection (3), a person who has been granted the status of newly licensed driver under subsection (6A) of Section 70 may only apply to the Registrar to have that the status removed when the following conditions have been satisfied:

(a) the person has

(i) completed two years experience as a licensed driver under this Act, other than as the holder of a class 7 or 8 driver's license, and

(ii) successfully passed a competency evaluation where prescribed by the regulations; or

(b) the person has two years experience as a licensed driver in another province of Canada, state or country recognized by the Department as equivalent experience to the experience required under subclause (i) of clause (a) or a combination of experience as a licensed driver under this Act and as a licensed driver in another province of Canada, state or country.

**(2) Subsection 70A(4) of Chapter 293 is repealed and the following subsections substituted:**

(4) The Registrar shall refuse an application pursuant to subsection (3A) if

(a) the applicant has accumulated six or more points on his or her driving record in the twelve months preceding the application;

(b) the applicant is a probationary driver and has accumulated three or more points on his or her driving record in the twelve months preceding the application; or

(c) the Registrar, in the Registrar's sole discretion, is not satisfied that the applicant has demonstrated safe and prudent driving habits.

(4A) A newly licensed driver whose driver's license or privilege of obtaining a driver's license has been revoked pursuant to Section 278 or whose driver's license or privilege of obtaining a driver's license has been suspended pursuant to Section 100A, 100B, 205, 227, 279, 279A or 279C, subsection (6) of Section 282, subsection (10) of Section 282 or subsection (6) of Section 283 shall, upon restoration of the driver's license, be required to complete a minimum two-year period as a newly licensed driver from the date of restoration.

**(3) Section 70A of Chapter 293, as enacted by Chapter 12 of the Acts of 1994 and amended by Chapter 11 of the Acts of 1999, is further amended by adding immediately after subsection (5) the following subsection:**

(5A) In addition to the conditions in subsection (5), a person who has been granted the status of newly licensed driver under subsection (6A) of Section 70, shall not drive a motor vehicle upon the highway if there is more than one passenger in the motor vehicle, unless

(a) the newly licensed driver is accompanied by an experienced driver who is occupying the front seat of the vehicle; or

(b) each of the passengers in the motor vehicle is a family member of the driver.

**(4) Section 70A of Chapter 293, as enacted by Chapter 12 of the Acts of 1994 and amended by Chapter 11 of the Acts of 1999, is further amended by adding, immediately after subsection (9) the following subsection:**

(10) Where a person, other than the driver, occupying a front seating position of a motor vehicle being operated by a newly licensed driver directly or indirectly pretends to be an experienced driver within the meaning of this Act when the person is not an experienced driver within the meaning of this Act, such person is guilty of an offence.

**5 Chapter 293 is further amended by adding immediately after Section 70A the following Sections:**

70AA(1) Any person acting as an experienced driver pursuant to Section 70 or 70A having consumed alcohol in such a quantity that the person's blood exceeds fifty milligrams of alcohol in one hundred millilitres of blood is guilty of an offence.

(2) Where a peace officer believes on reasonable and probable grounds that a person acting as an experienced driver pursuant to Section 70 or 70A is committing, or at any time within the preceding two hours has committed, as a result of the consumption of alcohol, an offence, the peace officer may, by demand made to that person forthwith or as soon as practicable, require that person to provide then or as soon thereafter as is practicable

(a) such samples of the person's breath as, in the opinion of a qualified technician, are required for analysis; or

(b) where the peace officer has reasonable and probable grounds to believe that, by reason of any physical condition of the person,

(i) the person may be incapable of providing a sample of the person's breath, or

(ii) it would be impracticable to obtain a sample of the person's breath.

such samples of the person's blood, under the conditions referred to in subsection (2), as, in the opinion of the qualified medical practitioner or qualified technician taking the samples,

are necessary to enable proper analysis to be made in order to determine the concentration, if any, of alcohol in the person's blood, and to accompany the peace officer for the purpose of enabling such samples to be taken.

(3) Samples of blood may only be taken from a person pursuant to a demand made by a peace officer pursuant to subsection (2) if the samples are taken by or under the direction of a qualified medical practitioner and the qualified medical practitioner is satisfied that the taking of those samples would not endanger the life or health of the person.

(4) Every person commits an offence who, without reasonable excuse, fails or refuses to comply with a demand made to that person by a peace officer pursuant to this Section.

70AB(1) A licensed learner, who has been issued his or her learner's license after the coming into force of this Section, while operating a motor vehicle on a highway, shall display, in a position clearly visible and prominent from the rear of the motor vehicle that he or she is driving, a "licensed learner" sign, as prescribed by the Registrar, for the purpose of indicating that a motor vehicle is being driven by a person who is licensed learner.

(2) A newly licensed driver, who has been issued such status under subsection (6A) of Section 70, while operating a motor vehicle on a highway, shall display in a position clearly visible and prominent from the rear of the motor vehicle that he or she is driving, a "newly licensed driver" sign, as prescribed by the Registrar, for the purpose of indicating that a motor vehicle is being driven by a person who is a newly licensed driver.

(3) A person who operates a motor vehicle on a highway contrary to this Section is guilty of an offence.

**6 (1) Subsection 100A(1) of Chapter 293, as enacted by Chapter 24 of the Acts of 1994, is amended by**

**(a) striking out "or" at the end of clause (b); and**

**(b) adding immediately after clause (b) the following clause:**

**(ba) had the status of newly licensed driver removed from his or her driver's license pursuant to subsection (3A) of Section 70A in the preceding twenty-four months; or**

**(2) Section 100A of Chapter 293, as enacted by Chapter 24 of the Acts of 1994 and amended by Chapter 11 of the Acts of 1999, is further amended by adding immediately after subsection (5) the following subsection:**



(6) In addition to any other penalty under this Act or any other enactment, upon receipt of a conviction pursuant to this Section, the Registrar shall suspend the person's driver's license or privilege of obtaining a driver's license for a period of six months.

**7 The POINT SYSTEM TABLE in subsection 282(2) of Chapter 293 is amended by striking out items 5A. and 5B.**

**8 Section 292 of Chapter 293, as enacted by Chapter 10 of the Acts of 2002 and amended by Chapter 8 of the Acts of 2005, is further amended by adding “, 151” immediately after “149” in the fourth line.**

**9 Section 293 of Chapter 293, as enacted by Chapter 10 of the Acts of 2002 and amended by Chapter 8 of the Acts of 2005, is further amended by striking out “151,” in the fifth line.**

**10 Section 294 of Chapter 293, as enacted by Chapter 10 of the Acts of 2002 and amended by Chapter 8 of the Acts of 2005, is further amended by adding “, 70AB” immediately after “70A” in the second line.**

**11 Section 295 of Chapter 293, as enacted by Chapter 10 of the Acts of 2002 and amended by Chapter 8 of the Acts of 2005, is further amended adding “, 70AA” immediately after “64” in the second line.**

**12 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.**

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# **BILL NO. 137**

*Government Bill*

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*1st Session, 60th General Assembly  
Nova Scotia  
56 Elizabeth II, 2007*

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## **An Act to Amend Chapter 8 of the Acts of 2001, the Livestock Health Services Act**

CHAPTER 19  
ACTS OF 2007

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
APRIL 13, 2007**

The Honourable Ronald M. Chisholm  
*Acting Minister of Agriculture*

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*Halifax, Nova Scotia  
Printed by Authority of the Speaker of the House of Assembly*



**An Act to Amend Chapter 8  
of the Acts of 2001,  
the Livestock Health Services Act**

Be it enacted by the Governor and Assembly as follows:

**1** Clause 2(j) of Chapter 8 of the Acts of 2001, the *Livestock Health Services Act*, is amended by striking out “and Fisheries” in the second line.

**2** Clause 9(b) of Chapter 8 is amended by striking out “1(c)” in the second line and substituting “6(1)(c)”.

**3** Chapter 8 is further amended by adding immediately after Section 15 the following Section:

15A (1) The Minister may make regulations

(a) prescribing the minimum or maximum fees that may be charged to livestock owners by any veterinarian in receipt of assistance under an agreement;

(b) prescribing the maximum amount that may be paid to veterinarians.

(2) The exercise by the Minister of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*.

**4** Clauses 16(1)(a) and (c) of Chapter 8 are repealed.

**5** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

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# **BILL NO. 197**

*Government Bill*

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*1st Session, 60th General Assembly  
Nova Scotia  
56 Elizabeth II, 2007*

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## **An Act to Amend Chapter 244 of the the Revised Statutes, 1989, the Justices of the Peace Act**

CHAPTER 18  
ACTS OF 2007

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
APRIL 13, 2007**

The Honourable Murray K. Scott  
*Minister of Justice*

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*Halifax, Nova Scotia  
Printed by Authority of the Speaker of the House of Assembly*



**An Act to Amend Chapter 244  
of the the Revised Statutes, 1989,  
the Justices of the Peace Act**

Be it enacted by the Governor and Assembly as follows:

**1** Subsection 3(3) of Chapter 244 of the Revised Statutes, 1989, the *Justices of the Peace Act*, as enacted by Chapter 28 of the Acts of 2000, is amended by striking out "sixty-five" in the second line and substituting "seventy".

**2** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

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# **BILL NO. 195**

*Government Bill*

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*1st Session, 60th General Assembly  
Nova Scotia  
56 Elizabeth II, 2007*

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## **An Act to Amend Chapter 218 of the Revised Statutes, 1989, the Incompetent Persons Act, and Certain Other Statutes**

CHAPTER 17  
ACTS OF 2007

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
APRIL 13, 2007**

The Honourable Murray K. Scott  
*Minister of Justice*

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*Halifax, Nova Scotia  
Printed by Authority of the Speaker of the House of Assembly*



**An Act to Amend Chapter 218  
of the Revised Statutes, 1989,  
the Incompetent Persons Act,  
and Certain Other Statutes**

Be it enacted by the Governor and Assembly as follows:

**1** Clause 2(b) of Chapter 218 of the Revised Statutes, 1989, the *Incompetent Persons Act*, is repealed and the following clause substituted:

(b) "incompetent person" includes a person, not an infant, who is incapable from infirmity of mind of managing the person's own affairs.

**2** Section 6 of Chapter 218 is amended by

(a) striking out "lunatic" in the third line and substituting "incompetent person"; and

(b) striking out "or lunatic" in the fifth line.

**3** Subsection 13(1) of Chapter 218 is amended by striking out "insane" in the second line and substituting "an incompetent person".

**4** Section 14 of Chapter 218 is amended by striking out "sane" in the second and in the tenth lines and substituting in each case "competent".

**5** The heading immediately preceding Section 16 is amended by striking out "LUNATICS" and substituting "INCOMPETENT PERSONS".

**6** Section 16 of Chapter 218 is amended by striking out "lunatic" in the first line and substituting "incompetent person".

**7** Subsection 18(2) of Chapter 218 is amended by striking out "insane or is a dangerous idiot" in the third and fourth lines and substituting "an incompetent person".

**8** Subsection 19(1) of Chapter 218 is amended by

(a) striking out "acquitted on the ground of insanity" in the fourth line and substituting "found not criminally responsible on account of mental disorder"; and

(b) striking out "insane" in the fifth line and substituting "to be an incompetent person".

**9** Section 20 of Chapter 218 is amended by striking out "or dangerous idiot" in the third and fourth and in the sixth and seventh lines.

**10** (1) Subsection 21(1) of Chapter 218 is amended by striking out "or dangerous idiot" in the eighth and ninth lines.

(2) Subsection 21(3) of Chapter 218 is amended by striking out "or dangerous idiot" in the second and third lines.

11 Chapter 218 is further amended by striking out "insane" wherever it appears in Chapter 218, except in subsections 18(2) and 19(2), and substituting in each case "incompetent".

12 Section 19 of Chapter 47 of the Revised Statutes, 1989, the *Building Societies Act*, is amended by striking out "idiot, lunatic" in the fifth line and substituting "an incompetent person".

13 (1) Article 101 of Table A in the First Schedule to Chapter 81 of the Revised Statutes, 1989, the *Companies Act*, as enacted by Order in Council 1991-828, is amended by

(a) striking out "of unsound mind" in the first line; and

(b) striking out "having jurisdiction in lunacy" in the second line and substituting "pursuant to the *Incompetent Persons Act*".

(2) Clause (b) of Article 114 of Table A in the First Schedule to Chapter 81, as enacted by Order in Council 1991-828, is amended by striking out "lunatic" and substituting "to be an incompetent person".

14 (1) Sub-article 10(1) of the Specimen Articles of Association contained in Form B in the Second Schedule to Chapter 81 is amended by striking out "idiot, lunatic" in the first line and substituting "incompetent person".

(2) Sub-article 10(2) of the Specimen Articles of Association contained in Form B in the Second Schedule to Chapter 81 is amended by striking out "lunatic" in the second line and substituting "incompetent person".

15 Section 13 of Chapter 227 of the Revised Statutes, 1989, the *Inebriates Guardianship Act*, is amended by striking out "insane" in the third line and substituting "incompetent".

16 Section 36 of Chapter 258 of the Revised Statutes, 1989, the *Limitation of Actions Act*, is amended by striking out "idiot" in the third line and substituting "incompetent person".

17 Clause 13(1)(a) of Chapter 271 of the Revised Statutes, 1989, the *Married Women's Deeds Act*, is amended by striking out "a lunatic, idiot," in the second line and substituting "an incompetent person".

18 Clause 27(c) of Chapter 272 of the Revised Statutes, 1989, the *Married Women's Property Act*, is amended by striking out "a lunatic" in the first line and substituting "an incompetent person".

19 Section 14 of Chapter 333 of the Revised Statutes, 1989, the *Partition Act*, is amended by striking out "insane" in the second line and substituting "incompetent".

**20** Clause 38(a) of Chapter 334 of the Revised Statutes, 1989, the *Partnership Act*, is amended by striking out "lunatic by inquisition" in the first and second lines and substituting "to be an incompetent person".

**21** (1) Paragraph 26 of Table A in the Schedule to Chapter 407 of the Revised Statutes, 1989, the *Rural Telephone Act*, is amended by

- (a) striking out "of unsound mind" in the first line; and
- (b) striking out "having jurisdiction in lunacy" in the second line and substituting "pursuant to the *Incompetent Persons Act*".

(2) Clause (b) of paragraph 34 of Table A in the Schedule to Chapter 407 is amended by striking out "lunatic" and substituting "to be an incompetent person".

**22** Section 2 of Chapter 479 of the Revised Statutes, 1989, the *Trustee Act*, is amended by

- (a) adding immediately after clause (d) the following clause:
  - (da) "incompetent person" means a person found to be an incompetent person pursuant to the *Incompetent Persons Act*;
- (b) repealing clause (h); and
- (c) striking out "a lunatic" in the third line of clause (k) and substituting "an incompetent person".

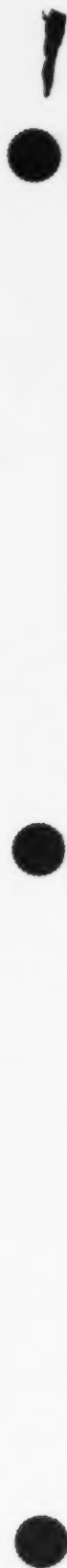
**23** Subclause 32(b)(i) of Chapter 479 is amended by striking out "a lunatic" and substituting "an incompetent person".

**24** Subclause 40(1)(b)(i) of Chapter 479 is amended by striking out "a lunatic" in the first line and substituting "an incompetent person".

**25** Subsection 68(1) of Chapter 479 is amended by striking out "lunatic" in the seventh line and substituting "incompetent person".

**26** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

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# **BILL NO. 198**

*Government Bill*

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*1st Session, 60th General Assembly  
Nova Scotia  
56 Elizabeth II, 2007*

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## **An Act to Amend Chapter 155 of the Revised Statutes, 1989, the Executive Council Act**

CHAPTER 16  
ACTS OF 2007

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
APRIL 13, 2007**

The Honourable Michael G. Baker, Q.C.  
*Government House Leader*

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*Halifax, Nova Scotia  
Printed by Authority of the Speaker of the House of Assembly*





**An Act to Amend Chapter 155  
of the Revised Statutes, 1989,  
the Executive Council Act**

Be it enacted by the Governor and Assembly as follows:

**1 Chapter 155 of the Revised Statutes, 1989, the *Executive Council Act*, is amended by adding immediately after Section 1 the following Section:**

1A In this Act and in any other enactment, "member of the Executive Council" does not include an honorary member of the Executive Council except where expressly provided.

**2 Chapter 155 is further amended by adding immediately after Section 5 the following Sections:**

5A (1) The Lieutenant Governor may appoint under the Great Seal of the Province as honorary members of the Executive Council former members of the Executive Council and members and former members of the House of Assembly.

(2) Notwithstanding any enactment or rule of the House of Assembly, no person is disqualified from being the Speaker of the Assembly by reason only of being an honorary member of the Executive Council.

5B A member of the Executive Council, including an honorary member, may use

(a) the honorific "The Honourable" before the member's name; and

(b) the initials "E.C.N.S." after the member's name to indicate membership in the Executive Council.

**3 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.**

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# **BILL NO. 145**

*Government Bill*

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*1st Session, 60th General Assembly  
Nova Scotia  
56 Elizabeth II, 2007*

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## **An Act to Amend Chapter 1 of the Acts of 1995-96, the Education Act**

CHAPTER 15  
ACTS OF 2007

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
APRIL 13, 2007**

The Honourable Karen Casey  
*Minister of Education*

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*Halifax, Nova Scotia  
Printed by Authority of the Speaker of the House of Assembly*



**An Act to Amend Chapter 1  
of the Acts of 1995-96,  
the Education Act**

Be it enacted by the Governor and Assembly as follows:

**1 Section 89 of Chapter 1 of the Acts of 1995-96, the *Education Act*, is repealed and the following Sections substituted:**

89 (1) A school board may identify a public school under its jurisdiction for review.

(2) Identification of a public school for review must be in accordance with the criteria set out in the regulations.

(3) Upon identifying a public school for review, the school board shall prepare and make available to the public a report in accordance with the regulations.

(4) Before making any decision respecting a public school that is the subject of a report pursuant to subsection (3), the school board shall, in accordance with the regulations, establish a study committee to review and respond to the report.

(5) Following its receipt of a response from the study committee, the school board shall

- (a) make public the study committee response; and
- (b) hold a public meeting,

in accordance with the regulations.

89A Following its compliance with the procedure outlined in Section 89, the school board may

- (a) maintain the *status quo*;
- (b) consolidate the school, or a part of the school, with another public school;
- (c) permanently close the public school; or
- (d) make any other decision authorized by the regulations.

**2 Clauses 145(m) to (o) of Chapter 1 are repealed and the following clauses substituted:**

(m) respecting the review of public schools including, without limiting the generality of the foregoing,

- (i) prescribing the criteria for the identification of a public school for review,
- (ii) respecting reports by school boards upon identifying a public school for review,

- (iii) respecting study committees established to review and respond to the reports,
- (iv) respecting the making public of the responses of study committees,
- (v) respecting public meetings to be held by school boards with respect to school reviews,
- (vi) respecting the time frame for reviews;
- (n) prescribing the decisions that may be made by a school board following a review of public schools;
- (o) defining "permanently close" for the purpose of Section 89A;

**3 (1)** This Act applies to

- (a) all reviews of public schools commenced after this Act comes into force; and
- (b) all public schools now under consideration for permanent closure or consolidation by a school board.

**(2)** For greater certainty, this Act does not apply to public schools for which consideration for permanent closure has been completed and a decision to close has been made before this Act comes into force.

**4** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

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# **BILL NO. 166**

*Government Bill*

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*1st Session, 60th General Assembly  
Nova Scotia  
56 Elizabeth II, 2007*

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## **An Act to Facilitate the Effective Regulation of Undersea Coal Mines in the Province**

CHAPTER 14  
ACTS OF 2007

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
APRIL 13, 2007**

The Honourable Mark Parent  
*Minister of Environment and Labour*

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*Halifax, Nova Scotia  
Printed by Authority of the Speaker of the House of Assembly*





**An Act to Facilitate the Effective  
Regulation of Undersea Coal Mines  
in the Province**

Be it enacted by the Governor and Assembly as follows:

**1** This Act may be cited as the *Undersea Coal Mines Regulation Act*.

**2** With the approval of the Governor in Council, a member of the Executive Council may enter into an agreement with the Government of Canada or any of its agencies, boards or commissions respecting

(a) the exploration, development, operation and abandonment of a coal mine wholly or partly located below the low-water mark in an area of the Province covered by seawater;

(b) the delegation to or accepting the delegation from a federal public body or official of a duty, power or authority contained in an enactment of the Province or Canada; and

(c) the payment of mineral and petroleum royalties to the Province,

and the agreement has the same force and effect as if enacted by the Legislature and any board, agency or person referred to in the agreement may do all things necessary to implement the agreement.

**3** This Act, or any agreement made pursuant to this Act, shall not be construed as providing a basis for any claim by or on behalf of the Government of Canada in respect of any entitlement to or legislative jurisdiction over land or resources in areas of the Province covered by seawater.

**4 (1)** The Governor in Council may make regulations

(a) respecting royalty payments;

(b) defining any word or expression used but not defined in this Act;

(c) deemed necessary by the Governor in Council to carry out effectively the intent and purpose of this Act.

**(2)** The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*.

**5** Section 2 of Chapter 3 of the Acts of 1987, the *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act*, as amended by Chapter 16 of the Acts of 1993, is further amended by

(a) adding immediately after clause (e) the following clause:

(ea) "coalbed methane", otherwise known as "natural gas from coal", means methane naturally occurring in coal seams and adjacent strata;

and

**(b) striking out clause (m) and substituting the following clause:**

(m) "gas" means natural gas and includes substances other than oil that are produced in association with natural gas but does not include coalbed methane associated with the development or operation of a coal mine;

**6 Chapter 214 of the Revised Statutes, 1989, the *Human Rights Act*, is amended by adding immediately after Section 42 the following Section:**

43 (1) Notwithstanding anything contained in this Act, the Governor in Council may, on the recommendation of the Minister, designate under this Section a coal mine wholly or partly located below the low-water mark in an area of the Province covered by seawater and matters or entities in respect of that coal mine, and for the purposes of matters or entities so designated,

(a) the *Canadian Human Rights Act* as amended from time to time applies; and

(b) except for this Section, this Act does not apply,  
in respect of those matters or entities.

(2) Notwithstanding any enactment, a body or public officer provided for under the *Canadian Human Rights Act* and a court, public body or officer empowered by an Act of the Parliament of Canada with respect to the oversight or enforcement of federal regulatory enactments, has jurisdiction and authority for the purpose of this Section.

**7 (1) Section 13 of Chapter 7 of the Acts of 1996, the *Occupational Health and Safety Act*, is amended by adding immediately after subsection (2) the following subsection:**

(3) The employer at a subsea coal mine shall provide such additional resources or information for the committee as may be prescribed by the regulations.

**(2) Chapter 7 is further amended by adding immediately after Section 29 the following Section:**

29A Notwithstanding Section 29, at a subsea coal mine where fewer than twenty persons are regularly employed, the employer shall establish and maintain a joint occupational health and safety committee where so prescribed by the regulations.

**(3) Section 67 of Chapter 7 is amended by adding immediately after subsection (1) the following subsection:**

(1A) Where so prescribed by the regulations, a matter described in clauses (1)(a) to (d) arising at a subsea coal mine may be appealed to an appeal panel and Section 69 applies in place of the procedure set out in this Section.

**(4) Subsection 69(1) of Chapter 7 is amended by adding "or an order or decision of an officer referred to in subsection 67(1A)," immediately after "regulations" in the third line.**

(5) Section 78 of Chapter 7 is amended by adding “, a committee, a member of a committee, a representative” immediately after “officer” in the second line.

(6) Subsection 82(2) of Chapter 7 is repealed and the following subsections substituted:

(2) Without limiting the generality of this Section, the Governor in Council may, in respect of a subsea coal mine, make regulations that the Governor in Council considers necessary or advisable to ensure the health and safety of all persons at a subsea coal mine

- (a) requiring the establishment of a committee;
- (b) prescribing additional functions of a committee;
- (c) prescribing additional requirements for the provision of resources or information to a committee;
- (d) requiring the filing or approval of drawings, layouts, specifications, plans, procedures, methods, machinery and equipment;
- (e) providing that a matter that is being appealed must be appealed directly to an appeal panel instead of the director; and
- (f) prescribing charges to recover the cost of services pursuant to this Act and fees in relation to matters referred to in clause (d).

(3) The exercise by the Governor in Council of the authority contained in subsections (1) and (2) is regulations within the meaning of the *Regulations Act*.

8 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

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# **BILL NO. 141**

*Government Bill*

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*1st Session, 60th General Assembly  
Nova Scotia  
56 Elizabeth II, 2007*

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## **An Act Respecting the Practice of Respiratory Therapists**

CHAPTER 13  
ACTS OF 2007

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
APRIL 13, 2007**

The Honourable Chris A. d'Entremont  
*Minister of Health*

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*Halifax, Nova Scotia  
Printed by Authority of the Speaker of the House of Assembly*



## **An Act Respecting the Practice of Respiratory Therapists**

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Respiratory Therapists Act*.

2 In this Act,

(a) "active-practising licence" means a licence to practise respiratory therapy issued to a person who meets the criteria for entry in the active-practising roster as set out in the regulations;

(b) "Board" means the Board of the College;

(c) "by-law" means a by-law of the College;

(d) "College" means the Nova Scotia College of Respiratory Therapists;

(e) "competence" means the ability to integrate and apply the knowledge, skills and judgement required to practise safely and ethically in a designated role and practice setting and includes both entry-level and continuing competencies;

(f) "complaint" means a notice in writing pursuant to Section 36, indicating possible professional misconduct, conduct unbecoming the profession, incompetence or incapacity of a member;

(g) "Complaints Committee" means the Complaints Committee established by this Act;

(h) "continuing education credits" means credits approved by the Board for programs, conferences and other activities of a continuing education nature;

(i) "electronic means" means the use of telephone, fax, television, video conferencing, cable, internet, intranet or any form of electronic or computerized communication;

(j) "hearing" means a process before the Professional Conduct Committee following the issuance of a notice of hearing, where the parties lead evidence and make submissions to the Professional Conduct Committee, but does not include the consideration by the Professional Conduct Committee of a settlement proposal or an application for consent revocation, and does not include any hearing or any proceeding before the Complaints Committee;

(k) "incapacity" means the status whereby a respondent, at the time of the subject-matter of a complaint, suffered from a medical, physical, mental or emotional condition, disorder or addiction that rendered the respondent unable to practise with reasonable skill or judgment or that may have endangered the health or safety of patients;

(l) "incompetence" means the display of lack of knowledge, skill or judgement in the respondent's care of a patient or delivery of respiratory therapy services that, having regard to all the circumstances, rendered the respondent unsafe to practise at the time of such care of the patient or delivery of respiratory therapy services or that renders the respondent unsafe to continue in practice without remedial assistance;

(m) "individual scope of practice" means the roles, functions and accountabilities that an individual is educated and authorized to perform;

(n) "investigator" means a person designated by the Registrar to conduct or supervise an investigation into a complaint;

(o) "judge" means a judge of the Supreme Court of Nova Scotia;

(p) "legal proceeding" means any civil proceeding, discovery, inquiry, proceeding before any tribunal, board or commission or arbitration, in which evidence is or may be given, and includes an action or proceeding for the imposition of punishment by fine, penalty or imprisonment for the violation of a Provincial enactment, but does not include any proceeding or hearing conducted pursuant to this Act or the regulations;

(q) "licence to practise respiratory therapy" means an active-practising licence, an active-practising licence with conditions or restrictions or a temporary licence issued in accordance with this Act and the regulations, and "licence" has the same meaning;

(r) "licensing sanction" means

(i) the imposition of conditions or restrictions on a licence by the Complaints Committee or the Professional Conduct Committee or their equivalent from another jurisdiction,

(ii) a consent reprimand ordered by the Complaints Committee or its equivalent from another jurisdiction,

(iii) a reprimand issued by the Professional Conduct Committee or its equivalent from another jurisdiction,

(iv) a suspension of a licence by the Complaints Committee or the Professional Conduct Committee or their equivalent from another jurisdiction, and

(v) a revocation of registration by the Professional Conduct Committee or its equivalent from another jurisdiction;

(s) "member" means a person whose name is entered in the Register and, for the purpose of Part III and the regulations, includes a person who holds a temporary licence at the time of an incident giving rise to a complaint;

(t) "patient" means the individual, group, community or population who is the recipient of respiratory therapy services and, where the context requires, includes a substitute decision-maker for the recipient of respiratory therapy services;

(u) "party" means the College or a respondent, as the context requires;

(v) "practice" means the practice of respiratory therapy;

(w) "practice of respiratory therapy" means the application of professional respiratory therapy knowledge, skills and judgement in the provision of diagnostic, assessment, and therapeutic modalities to assist in the management of cardio-respiratory and related disorders, in collaboration with physicians and other health care professionals, to achieve optimal respiratory health, wellness and functional performance and includes, but is not limited to,

(i) conducting patient cardio-respiratory assessment,

(ii) performing basic respiratory care therapy modalities,



- (iii) performing airway management techniques,
- (iv) optimizing pulmonary ventilation,
- (v) applying medical gas therapy,
- (vi) providing cardio-pulmonary resuscitation and stability,
- (vii) administering and monitoring prescribed pharmaceutical substances,
- (viii) procuring blood samples from various sites,
- (ix) performing pulmonary diagnostic testing,
- (x) performing cardiac diagnostic testing,
- (xi) performing hemodynamic monitoring,
- (xii) performing hyperbaric medicine therapy,
- (xiii) performing anaesthesia assistance within the scope of practice of the profession,
- (xiv) such delegated medical functions as are approved in accordance with the *Medical Act*,
- (xv) educating patients, families, colleagues and health care professionals concerning respiratory care,
- (xvi) such other aspects of respiratory therapy as may be prescribed in regulations approved by the Governor in Council, and

research, administration and education relevant to subclauses (i) to (xvi);

(x) "profession" means the profession of respiratory therapy;

(y) "Professional Conduct Committee" means the Professional Conduct Committee appointed pursuant to this Act;

(z) "professional conduct process" means the processes described in Part III and in the "Professional Conduct" part of the regulations;

(aa) "professional corporation" means one or more respiratory therapists incorporated pursuant to the laws of the Province for the purpose of engaging in the practice of respiratory therapy;

(ab) "professional misconduct" includes such conduct or acts relevant to the profession that, having regard to all the circumstances, would reasonably be regarded as disgraceful, dishonourable or unprofessional which, without limiting the generality of the foregoing, may include

- (i) failing to maintain the standards for respiratory therapy practice,
- (ii) failing to uphold the code of ethics adopted by the College,
- (iii) abusing a person verbally, physically, emotionally or sexually,
- (iv) misappropriating personal property, drugs or other property belonging to a patient or a member's employer,
- (v) wrongfully abandoning a patient,
- (vi) neglecting to provide care to a patient,

(vii) failing to exercise appropriate discretion in respect of the disclosure of confidential information,

(viii) falsifying records,

(ix) inappropriately using the professional status of respiratory therapist for personal gain,

(x) promoting for personal gain any drug, device, treatment, procedure, product or service that is unnecessary, ineffective or unsafe,

(xi) publishing, or causing to be published, any advertisement that is false, fraudulent, deceptive or misleading,

(xii) engaging or assisting in fraud, misrepresentation, deception or concealment of a material fact when applying for or securing registration or a licence to practise respiratory therapy or taking any examination provided for in this Act, including using fraudulently procured credentials, and

(xiii) taking or using the designation "Registered Respiratory Therapist", "Respiratory Therapist", "Student Respiratory Therapist", "Graduate Respiratory Therapist" or any derivation or abbreviation thereof, or describing the person's activities as "respiratory therapy" in any advertisement or publication, including business cards, websites or signage, unless the referenced activity falls within the definition of "practice of respiratory therapy";

(ac) "public representative" means a member of the Board or of a committee who is not a member of the College;

(ad) "Register" means the Register established pursuant to this Act;

(ae) "Registered Respiratory Therapist Re-entry Program" means a program approved by the Board that tests respiratory therapy knowledge and provides for a period of preceptored clinical respiratory therapy practice;

(af) "Registrar" means the Registrar of the College appointed pursuant to this Act;

(ag) "Registration Appeal Committee" means the Registration Appeal Committee appointed pursuant to this Act;

(ah) "registration examination" means such examination or examinations as may be approved from time to time by the Board in the by-laws as a prerequisite for qualification as a registered respiratory therapist;

(ai) "Re-instatement Committee" means the Reinstatement Committee appointed pursuant to this Act;

(aj) "respiratory therapist" means a respiratory therapist whose name appears on the Register and who is licensed to practise respiratory therapy;

(ak) "respiratory therapy education program" means a diploma or degree educational program approved by the Board;

(al) "respondent" means the person who is the subject of a complaint or the subject of an appeal pursuant to Section 17;

(am) "roster" means the record of the category of licensing established pursuant to this Act or the regulations;

(an) "scope of practice of the profession" means the roles, functions and accountabilities which respiratory therapists are educated and authorized to perform;

(ao) "settlement proposal" means a proposal for the settlement of a complaint as prescribed in the regulations;

(ap) "standards for the practice of respiratory therapy" means the minimal professional practice expectations for any respiratory therapist in any setting or role, approved by the Board or otherwise inherent in the profession;

(aq) "temporary licence" means a temporary licence issued pursuant to this Act;

(ar) "witness" includes every person who, in the course of a legal proceeding, is examined for discovery or is cross-examined upon an affidavit made by that person, answers any interrogatories or makes an affidavit as to documents or is called upon to answer any question or produce any document, whether under oath or not, and includes the College or any representative of the College.

## COLLEGE

3 (1) The Respiratory Therapists Society of Nova Scotia, a society incorporated under the *Societies Act*, is hereby continued as a body corporate under the name of the Nova Scotia College of Respiratory Therapists and is composed of its members.

(2) All assets and property held by the Respiratory Therapists Society of Nova Scotia become the assets and property of the College at the time of the coming into force of the Act.

(3) The College has perpetual succession and a common seal, with power to acquire, hold, lease, mortgage and otherwise dispose of real and personal property, and may sue and be sued.

4 In order to

- (a) serve and protect the public interest;
- (b) preserve the integrity of the profession; and
- (c) maintain public confidence in the ability of the profession to regulate itself,

the College shall

(d) regulate the practice of respiratory therapy and govern its members in accordance with this Act and the regulations;

(e) establish, develop and promote standards of practice among its members;

(f) establish, develop and promote a code of ethics for its members;

(g) approve continuing education credits for the benefit of its members;

(h) subject to clauses (d) to (g), and in the public interest, advance and promote the practice of respiratory therapy; and

(i) do such other lawful acts and things as are incidental to the attainment of the purposes and objects set out in this Section.

**5** In addition to any other power conferred by this or any other Act, the College may do such things as it considers appropriate to advance the objects of the College and, without limiting the generality of the foregoing, may

- (a) purchase, take in, lease, exchange, hire, construct and otherwise acquire and hold, sell, mortgage, hypothecate, lease out or otherwise deal with any real or personal property;
- (b) draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, warrants and other negotiable and transferable instruments;
- (c) engage such agents and employees as it, from time to time, deems expedient;
- (d) expend the moneys of the College in the advancement of its objects in such manner as it deems expedient;
- (e) establish and maintain such offices and agencies as it deems expedient;
- (f) invest and deal with any moneys and funds of the College that are not immediately required in such manner as it deems expedient;
- (g) improve, manage, develop, exchange, dispose of, turn to account or otherwise deal with the real or personal property of the College;
- (h) borrow money for the use of the College on its credit, limit or increase the amount to be borrowed, issue bonds, debentures, debenture stock and other securities on the credit of the College and pledge or sell such securities for such sums or at such price deemed expedient;
- (i) secure the repayment of money borrowed, in such manner and upon such terms and conditions as it considers fit, and, in particular, by the execution and delivery of mortgages of all or any part of the real or personal property of the College, both present and future; and
- (j) do such things as are incidental or necessary to the exercise of the powers referred to in clauses (a) to (i).

**6 (1)** There shall be an annual meeting of the College at such time and place as prescribed by the Board.

**(2)** An annual report shall be distributed at or before the annual meeting for review by the membership and shall include a report by an auditor.

**(3)** Auditors shall be recommended by the Board but shall be subject to the approval of the College at the annual meeting.

**7 (1)** The Board shall govern the College and manage its affairs and may take any action consistent with this Act and the regulations that it considers necessary for the promotion, protection, interest or welfare of the College, including

- (a) the setting of fees payable by applicants and members;
- (b) approving the processes for establishing, revising and monitoring the annual budget;

- (c) submitting to each annual general meeting of the College an audited financial statement of the College's operations for the past fiscal year;
- (d) appointing an auditor for the College; and
- (e) approving proposed changes to this Act, the regulations and the by-laws.

(2) The Board may take any action consistent with this Act by resolution.

(3) The Board is composed of

- (a) the president, the president-elect, the past president and the treasurer, each of whom must hold a licence to practise respiratory therapy;
- (b) three members, each of whom holds a licence to practise respiratory therapy; and
- (c) no fewer than two and no more than three public representatives appointed by the Governor in Council who
  - (i) are not members of the College, and
  - (ii) have shown an interest in serving on the Board.

(4) Persons on the Board shall be elected or appointed or succeed to office in the manner prescribed by the by-laws.

(5) A majority of the Board constitutes a quorum.

(6) Notwithstanding subsection (4), public representatives on the Board continue to hold office until their successors are appointed or until such time as they are re-appointed.

8 (1) The Board shall appoint a Registrar of the College and the Board shall determine the term of office and the duties of the Registrar.

(2) The Registrar may delegate any functions assigned to the Registrar by this Act, the regulations or the by-laws.

(3) The Registrar shall be an *ex officio* member of the Board.

9 The Board may make by-laws not inconsistent with this Act

- (a) respecting fees payable by applicants and members as approved by the Board;
- (b) respecting the holding of the annual general meeting and special meetings of the College, including the notice for such meetings, the content of such meetings, the quorum, the procedures to be followed and the manner of voting;
- (c) respecting fees and expenses payable to persons sitting on the Board and any other committees established for the purpose of attending to the business of the College;
- (d) establishing a Nominations Committee including its composition and duties;
- (e) establishing the composition and number of Board members and the eligibility for election or appointment to the Board;

- (f) establishing the timing and manner of the election or appointment to the Board;
- (g) establishing the composition, number, time and manner of the election or appointment of the Board;
- (h) respecting the terms of office of the persons sitting on the Board, the manner in which vacancies on the Board may be filled and the manner of removing Board members;
- (i) prescribing the manner in which resolutions are forwarded to the Board;
- (j) prescribing the roles of the president and president elect;
- (k) respecting the holding of Board meetings, including required meetings, the notice for such meetings, the quorum and procedure to be followed and the manner of voting;
- (l) respecting the establishment of, and quorum for, committees as may be appointed by the Board and providing for the holding and conduct of meetings of such committees;
- (m) approving examinations from time to time and other matters that are a prerequisite to qualifying an individual as a respiratory therapist;
- (n) respecting the seal of the College;
- (o) respecting the location of the head office of the College;
- (p) respecting the approval of forms required for the conduct of the business of the College;
- (q) approving the code of ethics and standards for the practice of respiratory therapy; and
- (r) respecting all other things necessary for the administration of the affairs of the College.

**10 (1)** Subject to the approval of the Governor in Council, the Board may make regulations

- (a) regulating the registration, licensing, discipline and re-instatement of members as respiratory therapists;
- (b) regulating the registration, licensing, scope of practice, discipline and re-instatement of members as anaesthesia assistants, including the educational preparation and training required for registration and licensing, and including titles and designations authorized for use by anaesthesia assistants;
- (c) respecting conditions for which temporary licences may be issued, including designations authorized for use by holders of temporary licences;
- (d) creating one or more rosters of licensing and prescribing the rights, privileges, qualifications and obligations of the members of each roster and prescribing the conditions for the entry and maintenance of members' names in each roster;
- (e) creating categories of affiliation with the College, including honorary and student categories, and prescribing the rights, privileges, qualifications and obligations of the persons in these categories and prescribing the conditions for the entry and maintenance of such persons' names in these categories;



- (f) setting requirements for the approval of continuing education credits;
- (g) setting requirements for professional liability insurance or other forms of malpractice coverage or liability protection;
- (h) prescribing tasks authorized to be performed under the supervision or control of a respiratory therapist and the degree of supervision and control required;
- (i) respecting the information to be included on the Register;
- (j) respecting the revocation or suspension of licences issued pursuant to this Act and the re-instatement of such licences and allowing for conditions, limitations or restrictions to be attached to a re-instated licence;
- (k) allowing for an award of costs on a solicitor-client or other basis;
- (l) providing that the licence of a member be suspended without notice or investigation upon contravention of any regulation that requires the member to pay a fee, to file a document or do any other act by a specified or ascertainable date and providing for the re-instatement of a licence so suspended upon payment of such fee as determined by the Board;
- (m) respecting the ability of the Registrar, the Complaints Committee and the Professional Conduct Committee to impose a fine where members have engaged in the practice of respiratory therapy while not holding a current licence to practise;
- (n) respecting the reporting and publication of decisions in disciplinary matters;
- (o) providing for the audits of some or all persons who hold a licence to practice respiratory therapy and their practice environments;
- (p) prescribing legislation pursuant to Section 43, the violation of which may require a member to attend a hearing;
- (q) prescribing the requirements and processes for incorporation of respiratory therapists;
- (r) providing for the retention and destruction of patient records maintained by a custodian appointed pursuant to this Act and processes and procedures to be utilized by the custodian;
- (s) defining any word or expression used but not defined in this Act;
- (t) further defining any word or expression defined in this Act;
- (u) governing such other matters as the Board considers necessary or advisable for the effective discharge of its functions or the exercise of its powers.

(2) The exercise by the Board of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*.

(3) All regulations and by-laws of the Board shall be available for inspection by any person, free of charge, at the head office of the College at all reasonable times during business hours.

## REGISTRATION AND LICENSING

11 (1) The Board shall keep a Register in which shall be entered the name of all persons who are entitled pursuant to this Act to be registered in the Register.

(2) The Register shall include such other information as may be required by the regulations.

(3) The Board shall cause to be kept a record available to the public showing

(a) the name and registration number of every person authorized to engage in the practice of respiratory therapy;

(b) any conditions or restrictions on such person's licence where the Registrar determines it is in the public interest to have such conditions or restrictions available to the public; and

(c) any licensing sanctions imposed on a member that are not otherwise subject to a publication ban.

12 (1) The categories of licences shall be as set out in the regulations.

(2) The Board shall cause to be maintained separate rosters for each category of licences as provided by the regulations.

13 (1) The Board shall appoint a Credentials Committee, the membership of which consists of one public representative and two respiratory therapists from the active-practising roster.

(2) The Board shall appoint one of the members of the Credentials Committee as the Chair of the Committee.

(3) The majority of the Credentials Committee constitutes a quorum.

(4) The Credentials Committee shall perform such functions as are set out in this Act, the regulations and the by-laws.

(5) Each member of the Credentials Committee has all the rights, powers and privileges of a commissioner appointed pursuant to the *Public Inquiries Act*.

14 (1) The Registrar shall register and shall issue an active-practising licence to a person who has completed a respiratory therapy education program and who meets the criteria for registration and entry in the active-practising roster as set out in the regulations.

(2) The Registrar may impose conditions or restrictions on the active-practising licence with the consent of the member where such conditions or restrictions are necessary in the interest of the public.



(3) Where conditions or restrictions are imposed by the Registrar pursuant to subsection (2), the Registrar shall issue to the applicant an active-practising licence with conditions or restrictions.

(4) Where the Registrar imposes conditions or restrictions pursuant to subsection (2), such conditions or restrictions are not licensing sanctions.

**15 (1)** Where a person

(a) fails to meet the requirements or conditions for an active-practising licence, with or without conditions or restrictions as prescribed by the regulations; or

(b) is registered or licensed to practise respiratory therapy in another jurisdiction,

and it is otherwise consistent with the objects of the College but impractical to issue an active-practising licence, with or without conditions or restrictions, the Registrar, upon payment of the prescribed fee, may approve or refuse an application for a temporary licence and shall notify the applicant accordingly.

(2) A temporary licence issued pursuant to subsection (1) shall be issued for a specified period of time, not to exceed twelve months in total.

(3) The Registrar may impose conditions or restrictions on a temporary licence if such conditions or restrictions are necessary in the interest of the public.

(4) Where conditions or restrictions are imposed by the Registrar pursuant to subsection (3), the Registrar shall issue to the applicant a temporary licence with conditions or restrictions.

(5) Where the Registrar imposes conditions or restrictions pursuant to subsection (3), such conditions or restrictions are not licensing sanctions.

(6) The College shall maintain a roster of temporary licences and a roster of temporary licences with conditions or restrictions.

(7) The decision of the Registrar respecting the issue of a temporary licence or a temporary licence with conditions or restrictions is final.

**16 (1)** Where a person meets the criteria for the issuing of a temporary licence (graduate respiratory therapist) pursuant to the regulations, the Registrar shall issue a temporary licence (graduate respiratory therapist) to such person.

(2) A temporary licence (graduate respiratory therapist) issued pursuant to subsection (1) shall be issued for a specified period of time, not to exceed eighteen months in total.

(3) The College shall maintain a roster of temporary licences (graduate respiratory therapist).

(4) The decision of the Registrar respecting the issue of a temporary licence (graduate respiratory therapist) is final.

**17** Where an applicant

- (a) has been refused registration; or
- (b) has been refused an active-practising licence,

the Registrar shall give written reasons for such decision and the applicant may, by written notice, appeal that decision to the Registration Appeal Committee within thirty days of receipt of such written notice.

**18** (1) The Board shall appoint a Registration Appeal Committee, the membership of which consists of one public representative and two respiratory therapists from the active-practising roster.

(2) The Board shall appoint one of the members of the Registration Appeal Committee as the Chair of the Committee.

(3) A majority of the Registration Appeal Committee constitutes a quorum.

(4) The Registration Appeal Committee shall perform such functions as are set out in this Act, the regulations and the by-laws.

(5) Each member of the Registration Appeal Committee has all the rights, powers and privileges of a commissioner appointed pursuant to the *Public Inquiries Act*.

**19** (1) The Registration Appeal Committee, upon receipt of an appeal pursuant to Section 17 shall

(a) set a date for a hearing of the appeal, which shall be not later than sixty days following receipt of the written notice of appeal;

(b) serve written notice of the date, time and place for the hearing of the appeal upon the appellant and the Registrar; and

(c) advise the appellant of the right to

(i) be represented by legal counsel, a union representative or another representative at the expense of the appellant,

(ii) disclosure of any information to be provided to the Registration Appeal Committee, and

(iii) a reasonable opportunity to present a response and make submissions.

(2) The parties to an appeal before the Registration Appeal Committee are the College and the appellant.

(3) Evidence is not admissible before the Registration Appeal Committee unless, at least ten days before the appeal, the opposing party has been given

(a) in the case of written or documentary evidence, an opportunity to examine the evidence;

(b) in the case of evidence of an expert, a copy of the expert's written report or, where there is no written report, a written summary of the evidence; and

(c) in the case of evidence of any other witness, the identity of the witness.

(4) Notwithstanding subsection (3), the Registration Appeal Committee may, in its discretion, allow the introduction of evidence that is otherwise inadmissible under subsection (3) and may make directions it considers necessary to ensure that a party is not prejudiced.

(5) In a proceeding before the Registration Appeal Committee, the parties have the right to

(a) the opportunity to present evidence and make submissions, including the right to cross-examine witnesses; and

(b) receive written reasons for a decision within a reasonable time.

(6) At a hearing before the Registration Appeal Committee, all material relied upon by the Registrar in making the decision that is the subject of the appeal shall be provided to the Committee and to the appellant.

(7) In addition to the material provided to the Registration Appeal Committee pursuant to subsection (6), either party may present additional evidence to the Committee and call witnesses.

(8) The testimony of witnesses at a hearing before the Registration Appeal Committee shall be taken under oath or affirmation.

20 (1) The Registration Appeal Committee, in accordance with the evidence it receives when hearing an appeal, may make any determination that, in its opinion, ought to have been made by the Registrar or the Credentials Committee.

(2) The Registration Appeal Committee shall give its decision in writing and shall send to the applicant a copy of the written decision by registered mail or personal service.

(3) The decision of the Registration Appeal Committee is final.

21 (1) No person shall engage in the practice of respiratory therapy or take or use the designation "Respiratory Therapist", "Registered Respiratory Therapist" or any derivation or abbreviation thereof, or shall describe the person's activities as "respiratory therapy" unless such person

(a) holds an active-practising licence with or without restrictions;

(b) is a holder of a temporary licence with or without restrictions or conditions; or

(c) is otherwise authorized to use such designation and to engage in the practice of respiratory therapy as set out in this Act or the regulations.

(2) No person shall take or use the designation "Student Respiratory Therapist" or any derivation or abbreviation thereof unless such person is a student of a respiratory therapy edu-

cation program accredited by the Council or such other program approved by the Board and is authorized by the administrators of the program or otherwise authorized pursuant to the regulations to engage in the practice of respiratory therapy.

(3) No person shall take or use the designation "Graduate Respiratory Therapist" or any derivation or abbreviation thereof unless such person meets the criteria for the issuing of a temporary licence (graduate respiratory therapist) pursuant to this Act and the regulations and is authorized pursuant to the regulations to engage in the practice of respiratory therapy.

(4) In any advertisement or publication, including business cards, websites or signage, no person shall take or use the designation "Registered Respiratory Therapist", "Respiratory Therapist", "Student Respiratory Therapist", "Graduate Respiratory Therapist" or any derivation or abbreviation thereof, or shall describe the person's activities as "respiratory therapy" unless the referenced activity falls within the definition of the "practice of respiratory therapy".

22 (1) No respiratory therapist shall engage in the practice of respiratory therapy that falls outside that respiratory therapist's individual scope of practice.

(2) Unless otherwise authorized pursuant to this Act or the regulations, or any other law, no respiratory therapist shall practice outside the scope of practice of the profession.

23 For the purpose of this Act and the regulations,

(a) a member in the Province who is engaged in practice by electronic means to patients outside of the Province is deemed to be practising the profession in the Province;

(b) a person, other than a member, who resides outside of the Province and who engages in practice by electronic means to patients within the Province is not deemed to be practising the profession in the Province if the person is licensed pursuant to a statute of the other jurisdiction;

(c) a person, other than a member, who resides outside of the Province and who engages in practice by electronic means to patients within the Province, while not holding a licence in the other jurisdiction, is deemed to be practising the profession in the Province; and

(d) nothing in this Act prohibits the practice of the profession in the Province or the recovery of fees or compensation for professional services rendered as a respiratory therapist by a person registered in another country, state, territory or province and whose engagement requires that person to accompany and temporarily care for a patient during the period of the engagement, if that person does not represent or hold himself or herself out as a person registered pursuant to this Act.

24 (1) Subject to clause 23(d), no person shall bring an action in any court to collect fees, compensation or other remuneration for services performed as a respiratory therapist, unless that person was the holder of a licence to practice respiratory therapy at the time the services were performed.

(2) Subject to clause 23(d), no person shall bring an action in any court to collect fees, compensation or other remuneration for services performed as a respiratory therapist, unless that person was the holder of an active practising licence.

**25** A statement certified under the hand of the Registrar respecting the membership and entry in the appropriate roster of a person's name is admissible in evidence as *prima facie* proof of that person's entry in such roster.

**26** Where the right of a person to practise as a respiratory therapist has been limited by the imposition of conditions or restrictions pursuant to this Act or the regulations, particulars of all conditions or restrictions imposed on that person shall be noted in the records of the College and may be disclosed to the public in accordance with this Act.

**27** The Registrar shall make a change in the Register if

- (a) data has been entered incorrectly;
- (b) notification is received of the member's death;
- (c) the registration of the member has been revoked;
- (d) the Complaints Committee, as part of an informal resolution of a complaint, or the Professional Conduct Committee authorizes the resignation of a member from the Register; and
- (e) the member has requested in writing and the Registrar, as part of an informal resolution of a complaint or otherwise, has approved the resignation of the member,

and such person ceases to be a member of the College.

**28 (1)** The Registrar shall cause the removal of the name of a member from the appropriate roster

- (a) if the member no longer meets the criteria for entry on the relevant roster;
- (b) at the request of the member, upon surrendering any licence held by the member;
- (c) if data has been incorrectly entered;
- (d) if notification is received of the member's death;
- (e) for non-payment of fees or other assessments levied under this Act or the regulations;
- (f) if the member has been suspended, for the term of the suspension;
- (g) if the registration of the member has been revoked; or
- (h) if the Complaints Committee, the Professional Conduct Committee or the Registrar authorizes the resignation of a member from the Register.

**(2)** The name of a person removed from the appropriate roster pursuant to subsection (1)(a) to (f) shall be restored upon

- (a) payment of the prescribed fee; and
- (b) compliance by the person with this Act and the regulations.

**(3)** The name of a person removed from the Register pursuant to clauses 27(d) or (e) or the appropriate roster pursuant to clause (1)(h) shall only be restored if



(a) the Committee or the Registrar authorizing the resignation of the member permitted the member the opportunity to re-apply for membership in the College; and

(b) the Re-instatement Committee determines, on such conditions or with such restrictions as it directs, that the registration or licence should be re-instated.

**29 (1)** Every member who is engaged in the practice of respiratory therapy shall hold a current licence to practise respiratory therapy.

**(2)** Every person, other than a patient, who employs a person in the practice of respiratory therapy and every agency or registry that procures employment for a person in the practice of respiratory therapy shall

(a) ensure that the person, at the time of employment and each year employed thereafter, holds a current licence to practice respiratory therapy; and

(b) where the person's employment is terminated or the person resigns because of allegations of professional misconduct, conduct unbecoming the profession, incompetence or incapacity, report the matter to the Registrar forthwith and provide a copy of the report to the person whose employment is terminated.

**(3)** Every person, other than a patient, who employs an incorporated entity engaged in the practice of respiratory therapy and every agency or registry that procures employment for an incorporated entity in the practice of respiratory therapy shall comply with subsection (2) with respect to each respiratory therapist who is in the employ of the incorporated entity.

**30 (1)** A member who engages in the practice of respiratory therapy outside the Province, who was subject to any disciplinary findings while outside the Province or has outstanding complaints from outside the Province, shall not engage in the practice of respiratory therapy upon returning to the Province before providing the Registrar with notice of such disciplinary findings or complaints and receiving from the Registrar a notice authorizing the member to resume the practice of respiratory therapy in the Province.

**(2)** Where the Registrar receives a notice pursuant to subsection (1), the Registrar may file a complaint.

**31 (1)** Every person who

(a) knowingly furnishes false information in any application under this Act or in any statement required to be furnished under this Act or the regulations;

(b) engages in the practice of respiratory therapy in the Province without complying with Section 29;

(c) engages in the practice of respiratory therapy in violation of any condition or limitation contained in the person's licence; or

(d) otherwise contravenes this Act or the regulations,

is guilty of an offence and liable on summary conviction to a fine of not more than two thousand dollars or to imprisonment for a term of not more than six months, or to both.

(2) The *Summary Proceedings Act* applies in addition to any penalty otherwise provided for in this Act or the regulations.

(3) All fines and penalties payable under this Act or under the *Summary Proceedings Act* as a result of a prosecution by or on behalf of the College belong to the College.

(4) Any information to be laid pursuant to this Act or the *Summary Proceedings Act* may be laid by the Registrar or any person authorized by the Registrar.

(5) In a prosecution of an offence contrary to this Act or the regulations, the onus to prove that a person accused of an offence has the right to practice respiratory therapy, or that a person comes within any of the exemptions provided by this Act, is on the person accused.

(6) Where a violation of this Act or the regulations by a person or employer continues for more than one day, the offender is guilty of a separate offence for each day that the violation continues.

(7) For the purpose of this Act or the regulations, proof of the performance by a non-member of one act in the practice of respiratory therapy is sufficient to establish that a person has engaged in the practice of respiratory therapy.

32 (1) In the event of a threatened or continuing violation of this Act or the regulations, the College may apply to a judge for an injunction to restrain the person from continuing or committing the violation and the judge, where the judge deems it to be just, may grant such an injunction.

(2) A judge may, on application, grant an interim injunction pending the hearing of an application for an injunction pursuant to subsection (1) if the judge is satisfied that there is reason to believe that a person is likely to commit or is continuing to commit a violation of this Act or the regulations.

(3) A judge may make such orders as to costs as the judge considers appropriate in any proceedings pursuant to this Section.

#### PROFESSIONAL CONDUCT

33 (1) In accordance with the objects of the College, the professional conduct process shall seek to inhibit professional misconduct, conduct unbecoming a respiratory therapist, incompetence and incapacity by investigating, on its own initiative or on the complaints of others, alleged instances of such misconduct, conduct unbecoming a respiratory therapist, incompetence or incapacity and, when appropriate, disposing of the matter or matters in accordance with the regulations.

(2) Except when considered prejudicial to the attainment of the objects of the College, the professional conduct process shall take into account the potential for the rehabilitation of the respondent.

34 Where a member of the College ceases to be registered or licensed for any reason, such person remains subject to the jurisdiction of the College for the purpose of the professional

conduct process, where the subject matter of the professional conduct process arose out of the person's conduct while registered or licenced.

**35 (1)** The Board shall appoint a Complaints Committee comprised of such number of members and public representatives as determined by the Board.

(2) The Board shall appoint a Chair and a Vice-chair of the Complaints Committee.

(3) The Vice-chair shall act as Chair in the absence of the Chair.

(4) Whenever for any reason neither the Chair nor the Vice-chair are available for purposes of subsections (5), (6) and (7), the Board may, for such purposes, appoint a member of the Complaints Committee as chair of the Complaints Committee.

(5) The Chair of the Complaints Committee shall appoint a panel of three persons from the Complaints Committee, one of whom shall be a public representative, to act as the Complaints Committee for purposes of the professional conduct process.

(6) The Chair of the Complaints Committee may sit on the panel and shall act as the Chair of the panel in this event.

(7) Where the Chair of the Complaints Committee is not appointed to the panel, the Chair of the Complaints Committee shall appoint a Chair for such panel.

(8) Any two persons from the panel appointed pursuant to subsection (5), regardless of whether such persons are members or public representatives, constitute a quorum of the Complaints Committee.

(9) Failure of one or more Complaints Committee members to receive any notice of a meeting shall not invalidate the proceedings thereat, and nothing herein shall preclude the members from waiving notice of meetings.

(10) All Complaints Committee decisions require the vote of a majority of the panel of the Complaints Committee appointed pursuant to subsection (5).

(11) Where a proceeding is commenced before the Complaints Committee and the term of office of any person sitting on the Complaints Committee expires, that person may remain part of the Committee until the proceeding is concluded.

**36 (1)** A complaint may be initiated by

- (a) any body corporate or association;
- (b) the Registrar;
- (c) a committee of the College; or
- (d) any other person.

(2) Where the College and the complainant agree, a complaint may be withdrawn.



37 The Complaints Committee has all the powers conferred by this Act and the regulations in the discharge of its functions as well as the powers, privileges and immunities of a commissioner appointed pursuant to the *Public Inquiries Act*.

38 (1) The Complaints Committee may set its own procedure for meetings.

(2) The Complaints Committee retains jurisdiction over a matter until such time as a hearing commences before the Professional Conduct Committee or the matter is otherwise resolved by the Professional Conduct Committee.

39 Upon receipt of a complaint, the complaint shall be processed in accordance with the regulations.

40 With respect to any decision issued by the Complaints Committee that is available to the public pursuant to this Act or the regulations, the Committee may impose a publication ban on such portions of its decision as deemed necessary by the Committee.

41 (1) A complaint shall be disposed of in accordance with the regulations.

(2) When a complaint is forwarded to the Complaints Committee for disposition, the Committee shall give its decision in writing and shall send a copy of the written decision, by registered mail or personal service, to the respondent and the complainant and may send some or all of the written decision to such other persons as the Committee determines.

(3) In a proceeding before the Complaints Committee, a respondent has the right to

(a) be represented by legal counsel, a union representative or another representative;

(b) disclosure of the complaint, any written reports of the investigator provided to the Complaints Committee and any other document produced or received by the Committee; and

(c) a reasonable opportunity to present a response and make submissions.

42 (1) The Complaints Committee, where it is reasonably necessary to protect the public interest, may, at its discretion, direct the Registrar

(a) to suspend a licence to practise respiratory therapy;

(b) to impose restrictions or conditions on a respondent's licence to practice respiratory therapy;

(c) where a person does not hold a current licence, to suspend the ability of the person to obtain a licence,

pending or following the completion of an investigation and lasting until the suspension, restrictions or conditions are lifted, superseded or annulled by the Committee or the Professional Conduct Committee, as the case may be.

(2) The member shall receive, forthwith, in writing, notice with reasons of a decision made pursuant to subsection (1).

(3) A member of the College who receives written notice pursuant to subsection (2) may request, in writing within thirty days, an opportunity to meet with the Complaints Committee.

(4) Where a request is received pursuant to subsection (3), the Complaints Committee shall

(a) provide an opportunity for the member of the College to meet with the Committee within ten days of the written request; and

(b) after meeting with the member, may confirm, vary or terminate the suspension imposed pursuant to subsection (1).

(5) Where a meeting is held pursuant to subsection (4), the member has the right to

(a) be represented by legal counsel, a union representative or another representative at the expense of the member;

(b) disclosure of the complaint, any written report of an investigator provided to the Committee and any other document produced or received by the Committee; and

(c) a reasonable opportunity to present a response and make submissions.

(6) Where a Complaints Committee issues an interim suspension or imposes conditions or restrictions on a respondent's licence to practise respiratory therapy, the Committee shall provide a copy of the decision to the complainant and the respondent and determine whether any aspects of the Committee's decision should be provided to other affected individuals, other respiratory therapy jurisdictions, any past, present or intended employer of the respondent or the public.

43 (1) Notwithstanding anything contained in this Act or the regulations, where a person

(a) has been charged with, pleaded guilty to, been convicted or found to be guilty of any offence in or out of Canada that is inconsistent with the proper professional behaviour of a member, including a conviction under

(i) the *Criminal Code* (Canada);

(ii) the *Controlled Drug and Substances Act* (Canada); or

(iii) such other legislation as prescribed in the regulations, unless a pardon has been issued;

(b) has been found guilty of a disciplinary finding in another jurisdiction;

(c) has had a licensing sanction imposed by another jurisdiction; or

(d) is the subject of an investigation or disciplinary process in any jurisdiction,

and such person is a member or applies for registration or a licence or the renewal of a licence, the Registrar may, by such notice as the Registrar prescribes, require the person to attend a hearing before the Complaints Committee to fully disclose the facts and circumstances of the matters referred to in clauses (a) to (d).

(2) For purpose of a hearing pursuant to subsection (1), the Complaints Committee may take any of the actions authorized to be taken by the Committee pursuant to this Act or the regulations.

(3) For the purpose of subsection (1), a certificate of conviction of a member is conclusive evidence that the member has committed the offence stated therein, unless it is proven that the conviction has been quashed or set aside.

(4) When a person holding a licence to practise respiratory therapy meets the criteria pursuant to subsection (1), such person shall report the matter to the Registrar immediately.

44 (1) All complaints received or under investigation, all information gathered in the course of the professional conduct process and all proceedings and decisions of the Complaints Committee and the Professional Conduct Committee that are not open to or available to the public in accordance with this Act or the regulations shall be kept confidential by the person or persons who possess such information.

(2) Notwithstanding subsection (1), where it is consistent with the objects of the College,

(a) the Registrar, on the recommendation of the Complaints Committee or the Professional Conduct Committee, may disclose to law enforcement authorities any information about possible criminal activity on the part of a member that is obtained during an investigation pursuant to this Act;

(b) the Complaints Committee or the Professional Conduct Committee may authorize the Registrar to release specific information to a specific person or persons;

(c) the Registrar may disclose information with respect to the complaint or a matter before a committee to an extra-provincial respiratory therapy regulatory body when it is relevant and concerns the fitness of the member for membership in the extra-provincial respiratory therapy regulatory body; and

(d) the Registrar may disclose information with respect to a complaint for purposes of administration of this Act or to comply with the objects of the College.

(3) A witness in any legal proceeding, whether a party thereto or not, is excused from answering any question as to any proceedings of the Complaints Committee, the Professional Conduct Committee or the Re-instatement Committee, and is excused from producing any report, statement, memorandum, recommendation, document or information prepared for purposes of the professional conduct process, including any information gathered in the course of an investigation or produced for the Complaints Committee, the Professional Conduct Committee or the Re-instatement Committee.

(4) Subsection (3) does not apply to documents or records that have been made available to the public by the College.

(5) Unless otherwise determined by a court of competent jurisdiction, a decision of the Complaints Committee or the Professional Conduct Committee is not admissible in a civil proceeding other than an appeal or review pursuant to this Act.

45 (1) The Board shall appoint a Professional Conduct Committee comprised of such number of members and public representatives as determined by the Board.

(2) The Board shall appoint a Chair and a Vice-chair of the Professional Conduct Committee.

(3) The Vice-chair shall act as Chair in the absence of the Chair.

(4) Whenever for any reason neither the Chair nor the Vice-chair are available for purposes of subsections (5), (6) and (7), the Board may, for such purposes, appoint a member of the Professional Conduct Committee as chair of the Professional Conduct Committee.

(5) The Chair of the Professional Conduct Committee shall appoint a panel of five persons from the Committee, at least one of whom shall be a public representative, to act as the Professional Conduct Committee for purposes of the professional conduct process.

(6) The Chair of the Professional Conduct Committee may sit on the panel and shall act as the Chair of the panel in this event.

(7) Where the Chair of the Professional Conduct Committee is not appointed to the panel, the Chair of the Professional Conduct Committee shall appoint a chair for such panel.

(8) Any three persons from the panel appointed pursuant to subsection (5), regardless of whether such persons are members or public representatives, constitute a quorum of the Professional Conduct Committee.

(9) No person on the Professional Conduct Committee may concurrently serve on the Complaints Committee.

(10) Failure of one or more Professional Conduct Committee members to receive any notice of a meeting does not invalidate the proceedings at the meeting, and nothing precludes Committee members from waiving notice of meetings.

(11) All Professional Conduct Committee decisions require the vote of a majority of the panel of the Committee appointed pursuant to subsection (5) or the quorum of such panel in the event the full panel is not sitting.

(12) Where a proceeding is commenced before the Professional Conduct Committee and the term of office of any person sitting on the Committee expires, that person remains part of the Committee until the proceeding is concluded.

46 (1) Where the Complaints Committee refers a matter to the Professional Conduct Committee the Registrar shall, within thirty days from the date of the referral, fix a date, time and place for holding a hearing, which shall commence not later than ninety days from the date of the referral by the Complaints Committee, or such later date as the respondent and the College may agree or the Professional Conduct Committee may order following an opportunity for submissions from both parties as to such date.

(2) A notice of hearing, containing such information as required by the regulations, shall be forwarded by the Registrar to the respondent and the complainant at least thirty days prior to the hearing.

47 At any stage of the professional conduct process, any document required to be served on or provided to a respondent or any other individual is deemed to be served or provided if

- (a) the intended recipient or their counsel acknowledges receipt of the document;
- (b) a registered mail receipt is provided from Canada Post;
- (c) an affidavit of service on the respondent is provided; or
- (d) the College provides evidence satisfactory to the Professional Conduct Committee that all reasonable efforts to effect service have been exhausted.

48 Where the Complaints Committee refers a matter to the Professional Conduct Committee, the College, before the commencement of a hearing by the Professional Conduct Committee, may enter into a settlement proposal with the respondent, which proposal shall be dealt with in accordance with the regulations.

49 Each person on the Professional Conduct Committee has all the rights, powers and privileges of a commissioner appointed pursuant to the *Public Inquiries Act*.

50 (1) A proceeding held by the Professional Conduct Committee shall be conducted in accordance with the regulations.

(2) In a proceeding before the Professional Conduct Committee, the parties have the right to

- (a) be represented by legal counsel, a union representative or another representative;
- (b) present evidence and make submissions, including the right to cross-examine witnesses; and
- (c) receive written reasons for a decision within a reasonable time.

(3) Evidence is not admissible before the Professional Conduct Committee unless the opposing party has been given, at least ten days before a hearing,

- (a) in the case of written or documentary evidence, an opportunity to examine the evidence;
- (b) in the case of evidence of an expert, a copy of the expert's written report or, where there is no written report, a written summary of the evidence; or
- (c) in the case of evidence of any other witness, the identity of the witness.

(4) Notwithstanding subsection (3), the Professional Conduct Committee may, in its discretion, allow the introduction of evidence that would be otherwise inadmissible under subsection (3) and may make directions it considers necessary to ensure that a party is not prejudiced.



51 (1) Where the Professional Conduct Committee finds professional misconduct, conduct unbecoming the profession, incompetence or incapacity, the Committee shall dispose of the matter or matters in accordance with the regulations.

(2) Where the Professional Conduct Committee has revoked the registration of a member, the Committee shall determine whether the member is entitled to apply for re-instatement of registration or whether the revocation is final.

(3) Where the Professional Conduct Committee determines that a member whose registration has been revoked may apply for re-instatement, the Committee shall determine the time when the member may apply for re-instatement, which cannot be earlier than two years from the date of the Committee's decision.

52 (1) The Board shall appoint a Re-instatement Committee, comprised of not less than three and not more than five members of the Board, at least one of whom shall be a public representative.

(2) The Board shall appoint the Chair of the Re-instatement Committee.

(3) The Re-instatement Committee shall, in the circumstances set out in this Act and the regulations, review applications for re-instatement of registration and licence, and shall perform such other duties as set out in this Act and the regulations.

(4) A quorum of the Re-instatement Committee consists of any three members of the Committee, regardless of whether such members are members or public representatives.

(5) Applications for re-instatement shall proceed in accordance with the regulations.

(6) Where a member's licence has been re-instated pursuant to this Section, the Re-instatement Committee, in its discretion, shall determine whether publication of the re-instatement is required in the interest of the public.

(7) The Re-instatement Committee has all the powers conferred by this Act and the regulations in the discharge of its functions as well as the powers, privileges and immunities of a commissioner appointed pursuant to the *Public Inquiries Act*.

(8) In a proceeding before the Re-instatement Committee, a member has the right to

(a) be represented by legal counsel, a union representative or another representative at the member's expense;

(b) disclosure of any information to be provided to the Committee; and

(c) a reasonable opportunity to present a response and make submissions.

(9) Evidence is not admissible before the Re-instatement Committee unless, at least ten days before the hearing, the opposing party has been given

(a) in the case of written or documentary evidence, an opportunity to examine the evidence;

- (b) in the case of evidence of an expert, a copy of the expert's written report or, where there is no written report, a written summary of the evidence; and
- (c) in the case of evidence of any other witness, the identity of the witness.

(10) Notwithstanding subsection (9), the Re-instatement Committee may, in its discretion, allow the introduction of evidence that is otherwise inadmissible under subsection (9) and may make directions it considers necessary to ensure that a party is not prejudiced.

53 (1) Subject to any publication bans in existence, where a licensing sanction has been issued by the Complaints Committee or the Professional Conduct Committee, the Registrar shall

- (a) make such entries on the records of the College and on the licence of the member as set out in the regulations;
- (b) publish such information on the website of the College and in official publications of the College as set out in the regulations;
- (c) notify other respiratory licensing bodies as set out in the regulations;
- (d) provide such information to individuals or the public as set out in the regulations.

(2) Where the Professional Conduct Committee dismisses a matter, it shall disclose its decision in such manner as it determines.

54 (1) Where the period of suspension of a member has expired, or the conditions imposed on the member have been satisfied, or the restrictions imposed on the member have been removed, the Registrar shall restore the licence to practise respiratory therapy to the member in the form it existed prior to the imposition of the suspension, conditions or restrictions, if the member otherwise meets the criteria for the issuing of a licence, but where the licence has expired, the member shall pay the prescribed fee for renewal of the licence before its re-issue.

(2) Where action has been taken pursuant to subsection (1),

- (a) the Registrar shall make the appropriate entries in the records of the College;
- (b) where registering bodies in other Canadian respiratory therapy jurisdictions had previously been informed of the suspension, conditions or restrictions, the Registrar shall notify such registering bodies of the lifting of such suspension, conditions or restrictions; and
- (c) the Registrar shall notify such other persons as directed by the committee that initially imposed the suspension, conditions or restrictions.

55 (1) For the purpose of the execution of their duties under this Act, the College or any committee of the College, may retain such legal or other assistance as the College or the committee may think necessary or proper.

(2) Where authorized by this Act or the regulations, the costs of such legal or other assistance may be included, in whole or in part, as costs ordered by the committee.

**56 (1)** A party may appeal on any point of law from the findings of the Professional Conduct Committee to the Nova Scotia Court of Appeal.

**(2)** The notice of appeal shall be filed at the Nova Scotia Court of Appeal and served upon the other party not later than thirty days after service of the decision of the Professional Conduct Committee.

**(3)** The record on appeal from the findings of the Professional Conduct Committee consists of a copy of the transcript of the proceedings, the decision of the Committee and the evidence before the Committee certified by the Chair of the Committee.

**(4)** The *Civil Procedure Rules*, governing appeals from the Supreme Court of Nova Scotia to the Nova Scotia Court of Appeal, that are not inconsistent with this Act, apply *mutatis mutandis* to appeals to the Court of Appeal pursuant to this Section.

**(5)** Where a matter is appealed to the Nova Scotia Court of Appeal pursuant to this Section, the decision of the Professional Conduct Committee takes effect immediately unless the Court of Appeal grants a stay of any order made pursuant to this Act where, in its discretion, it deems fit.

## PROFESSIONAL INCORPORATION

**57** Subject to any regulations made pursuant to clause 10(1)(t), nothing in this Act prevents the incorporation of a respiratory therapist, but every respiratory therapist continues to be personally responsible for compliance with this Act and the regulations notwithstanding any such incorporation.

**58** All persons who carry on the practice of respiratory therapy as, by, through or on behalf of an incorporated entity are liable in respect of acts or omissions done or omitted to be done by them in the course of their practice to the same extent and in the same manner as if such practice were carried on by them as an individual or a partnership carrying on the practice of the profession.

**59** Where a member is engaged in the practice of respiratory therapy as an incorporated entity, the existence of the incorporated entity does not affect, modify or limit any law or standard applicable to the confidential or ethical relationship between a respiratory therapist and a patient.

**60** All shareholders, directors, officers and employees of an incorporated entity engaged in the practice of respiratory therapy are compellable witnesses in any proceedings pursuant to this Act.

**61** Where the conduct of a respiratory therapist is the subject of a complaint, investigation or inquiry and the respiratory therapist was an officer, director, shareholder or employee of an incorporated entity at the time the conduct occurred, any power of inspection, investigation or inquiry that may be exercised in respect of the respiratory therapist or the respiratory therapist's records may be exercised in respect of the incorporated entity or its records.



**62 (1)** Every incorporated entity engaged in the practice of respiratory therapy that contravenes this Act or the regulations is guilty of an offence and is liable to the same penalties as any person who is guilty of an offence pursuant to this Act.

**(2)** Sections 31 and 32 apply *mutatis mutandis* to all incorporated entities engaged in the practice of respiratory therapy.

#### GENERAL

**63 (1)** A member has a duty to report to the Registrar if the member has reasonable grounds to believe that another member of the College

- (a) has engaged in professional misconduct, incompetence or conduct unbecoming the profession;
- (b) is incapacitated; or
- (c) is practising in a manner that otherwise constitutes a danger to the public.

**(2)** A member has a duty to report to the regulator of another health profession if the member has reasonable grounds to believe that a member of that health profession

- (a) has engaged in professional misconduct, incompetence or conduct unbecoming the profession;
- (b) is incapacitated; or
- (c) is practising in a manner that otherwise constitutes a danger to the public.

**(3)** No action for damages or other relief lies against a member for any report made pursuant to subsection (1) or (2), if the report was made in good faith.

**64** Any fine or cost ordered to be paid pursuant to this Act or the regulations is a debt due to the College recoverable by civil action, in addition to any other remedy available to the College for non-payment of a fine or cost.

**65 (1)** No action for damages or other relief lies against the College, the Board, the persons on the Board, committees or subcommittees of the College or the Board, or the persons on the committees or subcommittees, or the Registrar, officers, agents or employees of the College,

- (a) for any act or failure to act or any proceeding initiated or taken in good faith under this Act, or in carrying out the duties or obligations under this Act; or
- (b) for any decision, order or resolution made or enforced in good faith under this Act.

**(2)** No action lies against any person for the disclosure of any information or any document or anything therein pursuant to this Act unless such disclosure is made with malice.

**(3)** No member of the College, the Board, committees or subcommittees of the College or the Board, or any officer, agent, or employee thereof is personally liable for any of the debts or liabilities of the College unless such person expressly agrees to be liable.

**66** Notwithstanding this Act or the regulations, for a period of one year following proclamation of this Act, every person who, on the coming into force of this Act, has received the certification "Registered Respiratory Therapist" from the Canadian Society of Respiratory Therapists and has practised in the Province in the previous twenty-four months, is deemed eligible for registration with the College, and is eligible for the issuing of an active practising licence upon payment of the appropriate fee and the submission of the appropriate application.

**67** Whenever for any reason a quorum of members of any committee may not be available for a meeting or hearing, the Board may, for the purpose of such meeting or hearing, appoint to the committee such additional members as are needed for a quorum.

**68** Nothing in this Act prohibits

- (a) the private care of a person without remuneration;
- (b) the furnishing of first aid or emergency assistance in the case of emergency, if such aid or assistance is given without hire, gain or hope of reward;
- (c) the right of employees to engage in a lawful strike;
- (d) the practice of any health profession authorized pursuant to a statute of the Province, by a health professional licensed pursuant to such statute; and
- (e) the carrying out of specific tasks constituting part of the practice of respiratory therapy by persons authorized under the regulations and under the supervision and control of a respiratory therapist.

**69** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

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# **BILL NO. 138**

*Government Bill*

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*1st Session, 60th General Assembly  
Nova Scotia  
56 Elizabeth II, 2007*

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## **An Act to Establish an Award to Recognize Bravery of Nova Scotians**

CHAPTER 12  
ACTS OF 2007

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
APRIL 13, 2007**

The Honourable Rodney J. MacDonald  
*President of the Executive Council*

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*Halifax, Nova Scotia  
Printed by Authority of the Speaker of the House of Assembly*



**An Act to Establish  
an Award to Recognize Bravery  
of Nova Scotians**

Be it enacted by the Governor and Assembly as follows:

**1** This Act may be cited as the *Medal of Bravery Act*.

**2 (1)** Where, after the coming into force of this Act, a person has

(a) assisted another person or attempted to assist another person; or

(b) protected property of another person or attempted to protect property of another person,

and has done so at risk to their own life or safety or in other circumstances demonstrating bravery, including bravery beyond that expected of them in their course of employment or service to the public, the Governor in Council may, on the recommendation of the Provincial Secretary, issue a Nova Scotia Medal of Bravery to that person.

**(2)** A Nova Scotia Medal of Bravery may be issued posthumously.

**3 (1)** The Premier shall establish an advisory committee to assist the Provincial Secretary in making recommendations to the Governor in Council respecting persons who may deserve to receive a Nova Scotia Medal of Bravery.

**(2)** The advisory committee referred to in subsection (1) is composed of such persons as the Premier may determine, and the Premier may designate a member of the committee to be its chair.

**(3)** The advisory committee referred to in subsection (1) must include but, for greater certainty, is not limited to

(a) the Chief Executive Officer of the Emergency Management Office;

(b) the Deputy Minister of Justice;

(c) the Fire Marshal of the Province;

(d) the President of the Nova Scotia Chiefs of Police Association; and

(e) the Commander of Maritime Forces Atlantic,

or their designates.

**4** Where the Governor in Council has issued a Nova Scotia Medal of Bravery to a person, that person

(a) may use the initials M.B.N.S. after his or her name; and

(b) where employed in an occupation in which the person wears a uniform in relation to the person's employment, or otherwise entitled to wear a uniform, may wear upon

that uniform such designation as may be prescribed by the Governor in Council to accompany the Medal or to designate a person as a recipient of the Medal.

**5 (1)** The Governor in Council may make regulations

(a) prescribing the form of the Nova Scotia Medal of Bravery and any designation for the purpose of clause 4(b);

(b) respecting matters to be considered by the advisory committee referred to in subsection 3(1) and the Provincial Secretary in making recommendations to the Governor in Council for the purpose of Section 3;

(c) respecting the forms of remuneration or the provision of out-of-pocket expenses that may be paid to the members of the advisory committee;

(d) respecting any other matter or thing the Governor in Council considers advisable or necessary to carry out effectively the intent and purpose of this Act.

**(2)** The exercise of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*.

**6** This Act has effect on and after January 1, 2007, upon the Governor in Council so ordering and declaring by proclamation.

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# **BILL NO. 163**

*Government Bill*

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*1st Session, 60th General Assembly  
Nova Scotia  
56 Elizabeth II, 2007*

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## **An Act Respecting the Elimination of Mandatory Retirement**

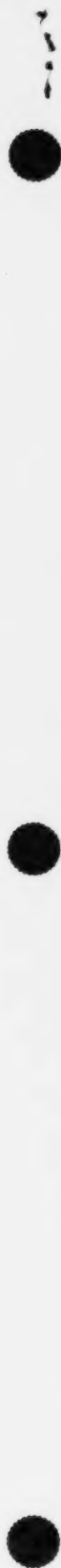
CHAPTER 11  
ACTS OF 2007

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
APRIL 13, 2007**

The Honourable Mark Parent  
*Minister of Environment and Labour*

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*Halifax, Nova Scotia  
Printed by Authority of the Speaker of the House of Assembly*





## **An Act Respecting the Elimination of Mandatory Retirement**

Be it enacted by the Governor and Assembly as follows:

**1** Section 6 of Chapter 214 of the Revised Statutes, 1989, the *Human Rights Act*, as enacted by Chapter 12 of the Acts of 1991, is amended by

- (a) adding immediately after subclause (f)(i) the following subclause:
  - (ia) based upon a bona fide occupational requirement;
- (b) striking out "retirement or" in the second line of clause (g); and
- (c) striking out clause (h).

**2** Chapter 214, as amended by Chapter 12 of the Acts of 1991, is further amended by adding immediately after Section 6, the following Section:

6A Nothing in Section 5 prohibits a term of office based upon age if required by an enactment.

**3** Clause 72(3)(f) of Chapter 246 of the Revised Statutes, 1989, the *Labour Standards Code*, is amended by striking out "according to the established practice of the employer" in the second and third lines and substituting "established by the employer on the basis of a *bona fide* occupational requirement for the position in which that person is employed".

**4** (1) Subject to subsection (2), this Act comes into force on such day as the Governor in Council orders and declares by proclamation.

(2) This Act shall not come into force before July 1, 2009.

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# **BILL NO. 136**

*Government Bill*

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*1st Session, 60th General Assembly  
Nova Scotia  
56 Elizabeth II, 2007*

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## **An Act Respecting the Administration of Justice**

CHAPTER 10  
ACTS OF 2007

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
APRIL 13, 2007**

The Honourable Murray K. Scott  
*Minister of Justice*

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*Halifax, Nova Scotia  
Printed by Authority of the Speaker of the House of Assembly*



## **An Act Respecting the Administration of Justice**

Be it enacted by the Governor and Assembly as follows:

**1** This Act may be cited as the *Justice Administration Amendment (2007) Act*.

### **PART I**

#### **EMERGENCY MANAGEMENT ACT**

**2** Chapter 8 of the Acts of 1990, the *Emergency Management Act*, is amended by adding immediately after Section 9 the following Section:

9A (1) In recognition of a significant contribution to the protection of persons and property by a member of a ground search and rescue crew or other person involved in the provision of emergency services, the Minister or a person designated by the Minister, on the recommendation of the Emergency Management Office, may issue a medal for long service.

(2) Where the Minister or the Minister's designate has issued a medal for long service, the Minister or the designate, on the recommendation of the Emergency Management Office, may issue a bar for further service to accompany the medal.

### **PART II**

#### **FIRE SAFETY ACT**

**3** Chapter 6 of the Acts of 2002, the *Fire Safety Act*, is amended by adding immediately after Section 14 the following heading and Sections:

#### **MEDAL IN RECOGNITION**

14A (1) In recognition of a significant contribution to the protection of persons and property by a firefighter or other person involved in the provision of fire services, the Minister or a person designated by the Minister, on the recommendation of the Fire Marshal, may issue a medal for long service.

(2) Where the Minister or the Minister's designate has issued a medal for long service, the Minister or the designate, on the recommendation of the Fire Marshal, may issue a bar for further service to accompany the medal.

(3) A medal or bar for long service issued by the Fire Marshal before the coming into force of this Section is deemed to have been issued pursuant to this Section.

## PART III

## HEALTH AUTHORITIES ACT

**4** Subsections 42(2) and (3) of Chapter 6 of the Acts of 2000, the *Health Authorities Act*, are repealed.

## PART IV

## POLICE ACT

**5** Chapter 31 of the Acts of 2004, the *Police Act*, is amended by adding immediately after Section 43 the following heading and Sections:

## MEDAL IN RECOGNITION

43A (1) In recognition of a significant contribution to the protection of persons and property by a police officer or other person involved in the provision of police services, the Minister or a person designated by the Minister, on the recommendation of the Advisory Committee established by this Section, may issue a medal for long service.

(2) The Minister shall establish an Advisory Committee to recommend persons to be issued medals for long service.

(3) The Advisory Committee consists of chief officers and other persons determined by the Minister.

(4) The Minister may designate a member of the Advisory Committee to be the Chair of the Committee.

(5) Where the Minister or the Minister's designate has issued a medal for long service, the Minister or the designate, on the recommendation of a chief officer, may issue a bar for further service to accompany the medal.

## PART V

## SHUBENACADIE CANAL COMMISSION

**6** (1) Clauses 4(1)(a) to (d) of Chapter 97 of the Acts of 1986, *An Act to Establish the Shubenacadie Canal Commission*, are repealed and the following clauses substituted:

(a) four persons resident in Halifax Regional Municipality appointed by the Council of Halifax Regional Municipality, for such terms of office as the Council may determine;

(b) two persons resident in the Municipality of the District of East Hants, one appointed by the Governor in Council for such term of office as the Governor in Council may determine, and one appointed by the Council of the District of East Hants for such term of office as the Council may determine;

(c) two persons resident in the Municipality of the County of Colchester, one appointed by the Governor in Council for such term of office as the

Governor in Council may determine, and one appointed by the Council of the County of Colchester for such term of office as the Council may determine;

**(2) Clauses 4(4)(a) to (d) of Chapter 97 are repealed and the following clauses substituted:**

(a) a person appointed pursuant to clause (a) of subsection (1) ceases to be a member of the Commission when that person ceases to be a resident of the Halifax Regional Municipality;

(b) a person appointed pursuant to clause (b) of subsection (1) ceases to be a member of the Commission when that person ceases to be a resident of the Municipality of the District of East Hants;

(c) a person appointed pursuant to clause (c) of subsection (1) ceases to be a member of the Commission when that person ceases to be a resident of the Municipality of the County of Colchester.

**7 Clause 5(d) of Chapter 97 is amended by striking out "general manager" in the first line and substituting "Executive Director".**

**8 Section 6 of Chapter 97 is amended by striking out "City of Dartmouth or the Municipality of the County of Halifax" in the second and third lines and substituting "Halifax Regional Municipality".**

**9 Section 7 of Chapter 97 is amended by striking out "Lands and Forests" in the third line and substituting "Natural Resources".**

## PART VI

### SMALL CLAIMS COURT ACT

**10 Section 19 of Chapter 430 of the Revised Statutes, 1989, the *Small Claims Court Act*, as amended by Chapter 16 of the Acts of 1992, is further amended by adding immediately after subsection (1) the following subsections:**

(1A) In this Section, "justice centre" means a justice centre established pursuant to Section 26 of the *Judicature Act*.

(1B) Notwithstanding subsection (1), where, on the coming into force of this subsection, there is no justice centre in a county, a claim may be filed with the prothonotary at a justice centre in an adjacent county and designated by the Minister to receive claims for the county or municipality in which

(a) the cause of action arose; or

(b) the defendant or one of several defendants resides or carries on business.

## PART VII

## EFFECTIVE DATE

**11** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

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# **BILL NO. 158**

*Government Bill*

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*1st Session, 60th General Assembly  
Nova Scotia  
56 Elizabeth II, 2007*

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## **An Act Respecting Certain Financial Measures**

CHAPTER 9  
ACTS OF 2007

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
APRIL 13, 2007**

The Honourable Michael G. Baker, Q.C.  
*Minister of Finance*

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*Halifax, Nova Scotia  
Printed by Authority of the Speaker of the House of Assembly*



## **An Act Respecting Certain Financial Measures**

Be it enacted by the Governor and Assembly as follows:

- 1** This Act may be cited as the *Financial Measures (2007) Act*.

### **PART I**

#### **ASSESSMENT ACT**

- 2** Clause 2(tc) of Chapter 23 of the Revised Statutes, 1989, the *Assessment Act*, as enacted by Chapter 9 of the Acts of 2005, is amended by striking out "consecutive" in the third line.

- 3** Subsection 14A(6) of Chapter 23, as enacted by Chapter 9 of the Acts of 2005, is amended by striking out "consecutive" in the ninth line.

### **PART II**

#### **COMPANIES ACT**

- 4** (1) Subsection 5(2) of Chapter 81 of the Revised Statutes, 1989, the *Companies Act*, as enacted by Chapter 5 of the Acts of 2002 and amended by Chapter 3 of the Acts of 2004, is further amended by striking out "four" in the second line and substituting "one".

- (2) Subsection 5(3) of Chapter 81, as enacted by Chapter 5 of the Acts of 2002 and amended by Chapter 3 of the Acts of 2004, is further amended by striking out "four" in the second line and substituting "one".

### **PART III**

#### **CORPORATIONS REGISTRATION ACT**

- 5** Subsection 5(4) of Chapter 101 of the Revised Statutes, 1989, the *Corporations Registration Act*, is repealed and the following subsections substituted:

(4) No fee shall be paid to the Registrar for the certificate of registration for an unlimited company incorporated under the *Companies Act*.

(5) Every unlimited company holding a certificate of incorporation under the *Companies Act* shall hold a certificate of registration under this Act.

- 6** (1) Section 12 of Chapter 101, as amended by Chapter 5 of the Acts of 2002 and Chapter 3 of the Acts of 2004, is further amended by adding immediately after subsection (1) the following subsection:

(1A) Every unlimited company holding a certificate of registration under the *Companies Act* shall, annually in the month during which the anniversary of the incorporation of the unlimited company occurs, pay to the Registrar the annual registration tax set out in this Section.

(2) Subsection 12(2) of Chapter 101, as amended by Chapter 3 of the Acts of 2004, is further amended by striking out "thirty dollars" in the third line and substituting "thirty-two dollars and four cents".

(3) Subsection 12(2A) of Chapter 101, as enacted by Chapter 3 of the Acts of 2004, is amended by striking out "ninety-five dollars" in the second line and substituting "one hundred and one dollars and forty-six cents".

(4) Subsection 12(2B) of Chapter 101, as enacted by Chapter 3 of the Acts of 2004, is amended by striking out "two hundred and twenty dollars" in the second and third lines and substituting "two hundred and thirty-four dollars and ninety-six cents".

(5) Subsection 12(2C) of Chapter 101, as enacted by Chapter 3 of the Acts of 2004, is amended by striking out "two hundred and seventy dollars" in the second and third lines and substituting "two hundred and eighty-eight dollars and thirty-six cents".

(6) Subsection 12(3A) of Chapter 101, as enacted by Chapter 5 of the Acts of 2002 and amended by Chapter 3 of the Acts of 2004, is further amended by striking out "two thousand" in the third line and substituting "two thousand seven hundred and fifty".

(7) Subsection 12(7) of Chapter 101, as amended by Chapter 3 of the Acts of 2004, is further amended by striking out "seventy dollars" in the second last and last lines and substituting "eighty-eight dollars and thirty-six cents".

(8) Subsection 12(8) of Chapter 101, as amended by Chapter 3 of the Acts of 2004, is further amended by striking out "thirty dollars" in the fourth line and substituting "fifty-nine dollars and twenty-four cents".

#### PART IV

#### EQUITY TAX CREDIT ACT

7 Clause 20(b) of Chapter 3 of the Acts of 1993, the *Equity Tax Credit Act*, is repealed and the following clause substituted:

(b) a community economic-development corporation shall file annually and for five years after the issue of tax certificates to individuals under this Act;

## PART V

FREEDOM OF INFORMATION AND  
PROTECTION OF PRIVACY ACT

**8** Section 11 of Chapter 5 of the Acts of 1993, the *Freedom of Information and Protection of Privacy Act*, as amended by Chapter 5 of the Acts of 2002, is further amended by adding immediately after subsection (2) the following subsection:

(3) An applicant is not required pursuant to subsection (2) to pay a fee for the first two hours spent locating and retrieving a record.

**9** Subsections 32(4) to (6) of Chapter 5 are repealed.

## PART VI

## HOME OWNERSHIP SAVINGS PLAN (NOVA SCOTIA) ACT

**10** Chapter 6 of the Acts of 1989, the *Home Ownership Savings Plan (Nova Scotia) Act*, is repealed.

## PART VII

## HOMES FOR SPECIAL CARE ACT

**11** Chapter 203 of the Revised Statutes, 1989, the *Homes for Special Care Act*, is amended by adding immediately after Section 18, the following Section:

18A Subject to the *Provincial Finance Act*, the Minister may guarantee payment of a mortgage made by a person who, with the approval of the Minister, is constructing or refinancing a nursing home, residential care facility, home for the aged or home for the disabled.

**12** Subsection 19(1) of Chapter 203 is amended by adding immediately after clause (h), the following clause:

(ha) respecting the guarantee by the Minister of mortgages for the purpose of Section 18A;

## PART VIII

## INCOME TAX ACT

**13** Subsections 10(5) to (8) of Chapter 217 of the Revised Statutes, 1989, the *Income Tax Act*, are repealed and the following subsections substituted:

(5) For the purpose of computing the tax payable under this Part by an individual for a taxation year, there may be deducted by an eligible individual in respect of each qualified dependant an amount determined by the formula

$$A \times B$$

where

A is the appropriate percentage for the taxation year; and

B is the product obtained when \$100 is multiplied by the number of months in the taxation year, after June 2006, that the individual is the eligible individual in respect of the qualified dependant on the first day of the month.

(6) In subsection (5),

(a) "eligible individual" means a person who, on the last day of the taxation year was resident in the Province and who, at that time,

(i) does not have a cohabiting spouse or common-law partner as defined in section 122.6 of the Federal Act,

(ii) has a cohabiting spouse or common-law partner, as defined in section 122.6 of the Federal Act, whose income for the taxation year is greater than the individual's income for the taxation year,

(iii) has a cohabiting spouse or common-law partner, as defined in section 122.6 of the Federal Act, whose income for the taxation year is equal to the individual's income for the taxation year and the cohabiting spouse or common-law partner renounces his or her entitlement to deduct an amount determined by the formula under subsection (5);

(b) "qualified dependant" means a person who, on the first day of the month,

(i) has not attained the age of six years,

(ii) resides with the eligible individual,

(iii) is not a person in respect of whom a special allowance under the *Children's Special Allowances Act* (Canada) is payable for the month, and

(iv) is not a person in respect of whom an amount has been deducted for a taxation year under subsection 10(1) because of paragraph (b) of the description of B in that subsection.

(7) Only one eligible individual may claim the amount determined by the formula in subsection (5) in respect of the same qualified dependant for any given month.

**14 (1) Clause 17A(1)(e) of Chapter 217, as enacted by Chapter 2 of the Acts of 2006, is amended by striking out "in which a qualified individual graduates from an eligible program" in the second and third lines.**

**(2) Section 17A of Chapter 217, as enacted by Chapter 2 of the Acts of 2006, is further amended by adding immediately after subsection (6) the following subsections:**

(6A) No amount may be deducted pursuant to this Section on a separate return of income filed pursuant to subsection 70(2) or 150(4), paragraph 104(23)(d) or paragraph 128(2)(e) of the Federal Act.

(6B) For the purpose of computing an individual's deduction under this Section for a taxation year that ends in a calendar year in which the individual becomes bankrupt, the total of the amounts deductible for all taxation years of the individual in the calendar year under this Section cannot exceed the amount that would have been deductible under this Section with respect to the calendar year if the individual had not become bankrupt.

**15 Section 21 of Chapter 217 is repealed and the following Section substituted:**

21 For the purpose of computing the tax payable under this Part for a taxation year by an individual who was resident in the Province on the last day of the taxation year, there may be deducted an amount equal to

(a) 38.5% of any amount required by subparagraph 82(1)(b)(i) of the Federal Act to be included in computing the individual's income for the year; and

(b) 28.52% of any amount required by subparagraph 82(1)(b)(ii) of the Federal Act to be included in computing the individual's income for the year.

**16 Sections 23 to 29 of Chapter 217 are repealed and the following Sections substituted:**

23 (1) Notwithstanding Sections 10 to 19, but subject to subsection (2), where an individual is resident in Canada throughout part of a taxation year and throughout another part of the taxation year is non-resident, for the purpose of computing the individual's tax payable under this Act for the taxation year

(a) the amount deductible for the taxation year under each of Sections 10 to 19 with respect to the part of the taxation year that is not included in the period or periods in the taxation year throughout which the individual is resident in Canada is to be computed as though that part were the whole taxation year; and

(b) the individual is allowed

(i) under subsections 10(3) and (5), Sections 11, 12, 12A, 14, 15, 17, 18, 36 and 38A only the deductions that can reasonably be considered wholly applicable to the period or periods in the taxation year throughout which the individual is resident in Canada, computed as though that period or those periods were the whole taxation year, and

(ii) under subsections 10(1) and (2) and Sections 13 and 19, only such part of the deductions that can reasonably be considered applicable to the period or periods in the taxation year throughout which the individual is resident in Canada, computed as though that period or those periods were the whole taxation year.

(2) The amount deductible for the taxation year by the individual under each provision referred to in subsection (1) cannot exceed the amount that would have been deductible under that provision if the individual had been resident in Canada throughout the taxation year.



24 In computing an individual's tax payable under this Part, the following provisions shall be applied in the following order: subsections 10(1), 10(5) and 10(2), Section 18, subsection 10(3), Sections 13, 12A, 17, 14 and 15, subsections 19(2) and 19(1) and Sections 12, 11, 21, 35, 50, 38, 36, 37 and 38A.

25 Where a separate return of income with respect to an individual is filed under subsection 70(2), 104(23) or 150(4) of the Federal Act for a particular period and another return of income under this Act with respect to the individual is filed for a period ending in the calendar year in which the particular period ends, for the purpose of computing the tax payable under this Act by the individual in those returns, the total of all deductions claimed in all those returns under any of subsection 10(3), Sections 11 to 18 and subsection 19(2) of this Act cannot exceed the total that could be deducted under each those provisions for the taxation year with respect to the individual if no separate returns were filed under subsections 70(2), 104(23) and 150(4) of the Federal Act.

26 Subsections 10(1) to (3), Sections 12, 15 and 19 and Section 13 of this Act with respect to the application of subsections 118.3(2) and (3) of the Federal Act, do not apply for the purpose of computing the tax payable under this Act for a taxation year by an individual who at no time in the taxation year is resident in Canada unless all or substantially all of the individual's income for the year is included in computing the individual's taxable income earned in Canada for the year.

27 Notwithstanding Sections 10 to 19 and 36, for the purpose of computing an individual's tax payable under this Part for a taxation year that ends in a calendar year in which the individual becomes bankrupt, the individual shall be allowed only

(a) such of the deductions as the individual is entitled to under subsections 10(3) and (5) and Sections 11, 12, 12A, 14, 15, 16, 17, 18 and 36 as can reasonably be considered wholly applicable to the taxation year; and

(b) such part of the deductions as the individual is entitled to under Section 10, other than subsection 10(3) and (5), and Sections 13 and 19 as can reasonably be considered applicable to the taxation year,

except that the total of the amounts so deductible for all taxation years of the individual in the calendar year under any of those provisions shall not exceed the amount that would have been deductible under that provision in respect of the calendar year if the individual had not become bankrupt.

28 Section 122 of the Federal Act applies for the purposes of this Act, except that the reference to "29%", or to the amount that it is amended to read, in subsection 122(1) of the Federal Act shall be read, for the purposes of this Act, as a reference to the "highest percentage".

29 Subsection 128(2) of the Federal Act applies for the purpose of this Act except that, in addition to any other necessary modifications required for this Act, that subsection is to be read as if, in addition to the deductions referred to in clauses (A) to (C) of paragraph 128(2)(e)(iii), that provision included a reference to the deductions under subsection 10(5) and Section 12A of this Act.

**17 The description of A in Section 32A of Chapter 217 is repealed and the following substituted:**



A is the total of all amounts each of which is deductible under subsections 10(3) and (5) and Section 12A, 21 or 22 by the individual for the taxation year;

**18 (1) Clause 35(1)(b) of Chapter 217 is repealed and the following clause substituted:**

(b) "eligible individual", for a taxation year, means an individual, other than a trust, who is resident in the Province on December 31st of the taxation year and includes an individual who died in the taxation year and was a resident of the Province on the day of death;

**(2) Subsection 35(4) of Chapter 217 is repealed and the following subsection substituted:**

(4) Subject to subsection (5), where an eligible individual for a taxation year files with the individual's return of income, other than a return filed under paragraph 128(2)(e) of the Federal Act, under this Act for the year a prescribed form, containing prescribed information, the amount, if any, by which the total of

(a) \$300;

(b) \$300 for a person who is the qualified relation of the individual for the year;

(c) \$300, if the individual has no qualified relation for the year and is entitled to deduct an amount for the year under subsection 118(1) of the Federal Act by reason of paragraph (b) thereof in respect of a qualified dependant of the individual for the year; and

(d) the product obtained when \$165 is multiplied by the number of qualified dependants of the individual for the year, other than a qualified dependant in respect of whom an amount is included by reason of clause (c) in computing an amount deemed to be paid pursuant to this subsection for the year,

exceeds

(e) 5% of the amount, if any, by which

(i) the individual's adjusted income for the year,

exceeds

(ii) \$15,000,

may be deducted from tax otherwise payable under Sections 7 to 34 for a taxation year.

**19 The heading immediately preceding Section 36 and Section 36 of Chapter 217 are repealed and the following heading and Section substituted:**

Subdivision j - Nova Scotia Post-Secondary Graduate Tax Credit

**36 (1) In this Section,**

(a) "approved institution" means

(i) an institution of learning designated from time to time pursuant to subsection 3(1) of the *Canada Student Financial Assistance Act*,

(ii) a specified educational institution within the meaning of the *Canada Student Loans Act*, or

(iii) such other institution of learning as may be prescribed by regulations;

(b) "eligible taxation year" means the year an individual graduates from an approved institution and the two taxation years immediately following;

(c) "program of studies" means a program of studies as defined by the *Canada Financial Assistance Regulations*;

(d) "proof of graduation" means

(i) a certified copy of the individual's certificate of completion or diploma from the approved institution certified by a person authorized by the approved institution to make certifications,

(ii) a letter from the approved institution signed by a person authorized to confirm such information by the approved institution confirming the successful completion, or graduation, from a program of studies at the institution by the individual, or

(iii) such other documentation satisfactory to the Minister of Finance.

(2) Subject to subsection (3), an individual may deduct from tax otherwise payable pursuant to this Act in an eligible taxation year

(a) an amount not exceeding the aggregate amount of \$1,000 if the individual graduates from an approved institution in the year 2007; or

(b) an amount not exceeding the aggregate amount of \$2,000 if the individual graduates from an approved institution after the year 2007.

(3) An individual may claim a deduction pursuant to this Section if the individual

(a) other than an individual that is a trust, was resident in the Province on December 31st of the taxation year, and includes an individual who died in the taxation year and was a resident of the Province on the day of death;

(b) provides proof of graduation from an approved institution for a taxation year after 2006; and

(c) files proof of graduation for the eligible taxation year with the individual's annual return for the taxation years in respect of which the deduction is claimed.

(4) An individual is not entitled to claim the deduction referred to in this Section if the individual completed a program of studies at an approved institu-

tion since 2006 and has previously received the deduction under this Section or Section 17A.

(5) No amount may be deducted pursuant to this Section on a separate return of income filed pursuant to subsection 70(2) or 150(4), paragraph 104(23)(d) or paragraph 128(2)(e) of the Federal Act.

(6) For the purpose of computing an individual's deduction under this Section for a taxation year that ends in a calendar year in which the individual becomes bankrupt, the total of the amounts deductible for all taxation years of the individual in the calendar year under this Section cannot exceed the amount that would have been deductible under this Section with respect to the calendar year if the individual had not become bankrupt.

(7) The Governor in Council may make regulations

(a) respecting criteria or requirements for a program of studies at a post-secondary level at an approved institution;

(b) designating approved institutions;

(c) respecting such other requirements for documentation as proof of graduation;

(d) defining, expanding or restricting the meaning of any word or expression used but not defined in this Section;

(e) respecting any other matter that the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Section.

(8) A regulation made pursuant to this Section may be made retroactive to a day not earlier than January 1, 2007.

**20 (1) Clauses 38(2)(a) and (b) of Chapter 217 are repealed and the following clauses substituted:**

(a) the labour-sponsored venture-capital tax credit; and

(b) either

(i) five hundred and twenty-five dollars for an investment made before January 1, 2005,

(ii) one thousand dollars for an investment made after December 31, 2004, and before a date prescribed by the Governor in Council, or

(iii) two thousand dollars for an investment made after the prescribed date.

**(2) Section 38 of Chapter 217 is further amended by adding immediately after subsection (5) the following subsections:**

(6) The Governor in Council may make regulations prescribing dates for the purpose of this Section.

(7) The exercise by the Governor in Council of the authority contained in subsection (6) is regulations within the meaning of the *Regulations Act*.

**21 Chapter 217 is further amended by adding immediately after Section 38 the following heading and Section:**

**Subdivision ka - Volunteer Firefighter Tax Credit**

38A (1) In this Section,

(a) "fire chief" means the senior official within, and in charge of, a volunteer fire department;

(b) "fire services" means services by an individual, employee or contractor related to the prevention or suppression of fires;

(c) "volunteer fire department" means a volunteer fire department as defined in the regulations;

(d) "volunteer fire fighter" means a member of a volunteer fire department who meets the criteria set out in the regulations.

(2) Subject to subsection (3), an individual may deduct from tax otherwise payable under this Act the amount of

(a) \$250 for the 2007 taxation year;

(b) \$375 for the 2008 taxation year; and

(c) \$500 for the 2009 and subsequent taxation years.

(3) An individual may claim a deduction pursuant to this Section if the individual

(a) other than an individual that is a trust, was resident in the Province on December 31st of the taxation year, and includes an individual who died in the taxation year and was a resident of the Province on the day of death;

(b) was a volunteer fire fighter for a minimum of six months during the period January 1st to December 31st in the taxation year in which the individual claims the deduction;

(c) has not received salary, wages or compensation or anything in lieu of salary, wages or compensation, other than reasonable reimbursement or allowance for expenses, from the volunteer fire department in respect of fire services provided to the volunteer fire department or their participation as a member of the volunteer fire department during the taxation year in which the individual claims the deduction;

(d) files with the individual's annual return for the taxation year in which the deduction is claimed documentation in a form satisfactory to the Minister; and

(e) is identified on a report filed by the fire chief of the volunteer fire department filed in accordance with this Section.

(4) Every fire chief of a volunteer fire department shall file a report with the Minister on or before January 31st of each year containing the information required by the regulations.

(5) Subject to subsection (6), the Minister shall pay to an individual the amount, if any, by which the deduction to which the individual is entitled under this Section for a taxation year exceeds the individual's tax payable under this Act for the taxation year calculated without reference to this Section.

(6) Where an individual is liable or about to become liable to make a payment to Her Majesty in right of Canada or Her Majesty in right of the Province or another province of Canada, the Minister may apply all or part of the amount referred to in subsection (5) to pay that liability.

(7) No amount may be deducted pursuant to this Section on a separate return of income filed pursuant to subsection 70(2) or 150(4), paragraph 104(23)(d) or paragraph 128(2)(e) of the Federal Act.

(8) The Governor in Council may make regulations

- (a) prescribing forms;
- (b) respecting the information to be contained in the report to be filed by fire chiefs;
- (c) defining any word or expression used but not defined in this Section;
- (d) respecting any matter or thing that the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Section.

(9) A regulation made pursuant to this Section may be made retroactive in its operation to a date not earlier than January 1, 2007.

(10) The exercise by the Governor in Council of the authority contained in subsection (8) is regulations within the meaning of the *Regulations Act*.

**22 (1) Subsection 42(2) of Chapter 217 is repealed and the following subsection substituted:**

(2) In this Section, Minister means the Minister of Finance for the Province.

**(2) Subsection 42(3) of Chapter 217, as enacted by Chapter 4 of the Acts of 2000, is amended by adding "for the Province" immediately after "Finance" in the second line.**

**23 (1) Subsection 47(1) of Chapter 217, as enacted by Chapter 4 of the Acts of 2000, is amended by striking out "by the Minister of Finance" in the third line.**

**(2) Subsection 47(2) of Chapter 217, as amended by Chapter 2 of the Acts of 2006, is further amended by**

- (a) striking out "to residents of the Province" in the last lines of paragraphs (a)(ii)(B) and (C) and (iii)(B);**
- (b) striking out subclause (a)(iv) and substituting the following subclause:**

(iv) for film production activity where less than 50% of principal photography is undertaken after June 30, 2006, in an eligible geographic area of the Province as prescribed by regulation,

(A) 40% of the eligible salaries paid times the proportion of time the days for principal proportion are spent inside an eligible geographic area are out of the total days for principal photography for the production, paid after June 30, 2006, and before 2016, and

(B) 35% of the eligible salaries paid times the proportion of time the days for principal photography are spent outside an eligible geographic area are out of the total days for principal photography for the production, paid after June 30, 2006, and before 2016;

and

(c) striking out "or" in the fourth line of clause (b) and substituting "and".

**(3) Clause 47(2A)(b) of Chapter 217 is repealed and the following clause substituted:**

(b) the date of commencement of principal photography is preceded by the commencement of the principal photography for two other eligible films with principal photography commencing on or after January 1, 2005, and within twenty-four months prior to the date of the principal photography for the film;

**(4) Subsection 47(3) of Chapter 217, as enacted by Chapter 4 of the Acts of 2000, is amended by striking out "subsection (2)" in the second line and substituting "subsections (2) and (2A)".**

**24 Chapter 217 is further amended by adding immediately after Section 47 the following heading and Section:**

Subdivision ha - Digital Media Tax Credit

47A (1) In this Section,

(a) "eligible corporation" means a corporation, as defined by the regulations, that satisfies the conditions prescribed by the regulations;

(b) "eligible expenditure" means the amount determined under the rules prescribed by the regulations;

(c) "eligible product" means, in respect of a product developed by an eligible corporation, a product

(i) that satisfies the conditions prescribed by the regulations, and

(ii) for which public financial support would not be contrary to public policy in the opinion of the Minister of Finance of the Province or, where another person is designated under subsection (3), in the opinion of that person;



(d) "eligible product developed by an eligible corporation" means a product developed and completed in accordance with the conditions specified in the regulations;

(e) "qualifying expenditure" means the amount determined under the rules prescribed by the regulations;

(f) "total expenditure" means the amount determined under the rules prescribed by the regulations.

(2) A corporation that is an eligible corporation in the taxation year and complies with the requirements of this Section may deduct from tax otherwise payable in the taxation year by the corporation an amount equal to the lesser of

(a) the sum of

(i) 35% of the qualifying expenditure incurred for the eligible product developed by the eligible corporation otherwise than in an eligible geographic area of the Province as prescribed by regulation, and

(ii) 40% of the qualifying expenditure for an eligible product developed by the eligible corporation in an eligible geographic area of the Province as prescribed by regulation;

or

(b) the sum of

(i) 17.5% of the total expenditures incurred for an eligible product developed by an eligible corporation in the case of subclause 47A(2)(i), and

(ii) 20% in the case of subclause 47A(2)(ii).

(3) In order to be eligible to deduct or claim an amount in respect of a deduction under this Section for a taxation year, an eligible corporation shall apply in the manner prescribed by regulation to

(a) the Minister of Finance of the Province, or a person designated by the Minister of Finance of the Province, for certification of its eligible products for the purpose of this Section; and

(b) the Minister of Finance of the Province, or a person designated by the Minister of Finance of the Province, for certification of the amount of the qualifying expenditure and the amount of the eligible corporation's tax credit under this Section applicable to the eligible product.

(4) Where the Minister of Finance of the Province, or a person designated by the Minister of Finance of the Province, allows a deduction pursuant to this Section to an eligible corporation for a taxation year, a certificate shall be issued to the eligible corporation for the taxation year, certifying in respect of each eligible product the estimated amount of the corporation's tax credit under this Section applicable to the product.

(5) In order to deduct or claim an amount under this Section for a taxation year, an eligible corporation shall deliver to the Minister with its return for the taxation year the certificate for the taxation year that is issued under subsection (4).

(6) This Section applies with respect to expenditures by an eligible corporation incurred after December 31, 2007, or such earlier date as the Governor in Council may order by regulation, and before January 1, 2013, that are included as eligible expenditures or total expenditures for an eligible product.

(7) The amount by which the tax credit referred to in subsection (2) exceeds the corporation's tax payable for the taxation year calculated without reference to this Section may be applied by the Minister to

(a) any tax, interest or penalty owing by the corporation for that or any prior taxation year pursuant to this Act, the income statute of any agreeing province or the Federal Act;

(b) any contribution, penalty or interest by the corporation for that or any prior taxation year as a result of payments required from the corporation pursuant to the *Canada Pension Plan Act* (Canada);

(c) any premium, interest or penalty owing by the corporation for that or any prior taxation year pursuant to the *Employment Insurance Act* (Canada),

and the part of the amount not so applied shall be paid to the corporation.

(8) A corporation that has claimed and is eligible for a tax credit under this Section for a taxation year is deemed to have paid, at the time referred to in paragraph 157(1)(b) of the Federal Act, as that paragraph relates to that taxation year, the amount of that credit on account of its tax payable under this Act.

(9) The Governor in Council may make regulations

(a) governing any matter that may be prescribed pursuant to this Section;

(b) requiring a corporation to supply information or documents respecting any matter required in assessing eligibility and compliance with this Section;

(c) prescribing the criteria for determining when an expenditure has been incurred in an eligible geographic area;

(d) prescribing eligible geographic areas of the Province;

(e) designating the date for expenditures for the purpose of subsection (6);

(f) defining any word or expression used but not defined in this Section;

(g) to carry out effectively the intent and purpose of this Section.

(10) A regulation made pursuant to this Section may be made retroactive to a date not earlier than January 1, 2007.

**25 Subsection 71(1) of Chapter 217, as enacted by Chapter 6 of the Acts of 2005 and amended by Chapter 2 of the Acts of 2006, is further amended by**

(a) striking out "years" in the second lines of subclauses (a)(ii) to (ix) and substituting in each case "year"; and



(b) striking out "years" in the second lines of subclauses (b)(vii) to (ix) and substituting in each case "year".

**26** Section 77 of Chapter 217, as enacted by Chapter 4 of the Acts of 2000 and amended by Chapter 5 of the Acts of 2002, Chapter 4 of the Acts of 2003, Chapter 6 of the Acts of 2005 and Chapter 2 of the Acts of 2006, is further amended by striking out "June 30" in the last line and substituting "July 1".

**27 (1)** Clauses 78A(1)(a) and (b) of Chapter 217 are repealed and the following clauses substituted:

(a) "eligible property" means property of Class 43.1 and Class 43.2 of Schedule II of the Federal Regulations,

- (i) acquired or added after June 30, 2006, and,
- (ii) located in the Province;

(b) "energy tax credit" of a corporation at the end of the taxation year for expenditures made in a taxation year ending on or after July 1, 2006, means the amount, if any, by which the aggregate of

(i) an amount equal to 25% of the annual capital cost of acquisitions or additions to eligible property on or after July 1, 2006, computed without reference to subsection 13(7.1) of the Federal Act,

(ii) an amount equal to 25% of the capital cost of acquisitions or additions to eligible property in any of the seven taxation years immediately preceding that year, computed without reference to subsection 13(7.1) of the Federal Act,

(iii) an amount equal to the aggregate of all amounts each of which is an amount required by subsection (4) or (5) to be included in computing its energy tax credit at the end of the year, and

(iv) the aggregate of all amounts each of which is an amount required by subsection (4) or (5) to be included in computing its energy tax credit at the end of any of the seven taxation years,

exceeds the aggregate of all amounts each of which is that portion of the amount deducted under subsection (2) from the tax otherwise payable under this Part by the corporation for a preceding taxation year that is in respect of an expenditure made in the year or in the seven taxation years immediately preceding the year.

**(2)** Subsections 78A(2) to (4) of Chapter 217 are repealed and the following subsections substituted:

(2) A corporation may deduct from tax otherwise payable under this Part for a taxation year an amount not exceeding the lesser of

- (a) its energy tax credit at the end of the taxation year; and
- (b) 50% of the amount of tax payable under this Part.

(3) Where the amount of the energy tax credit of a corporation at the end of the taxation year exceeds 50% of the amount of the tax payable under this Part for the taxation year, a corporation may carry forward and deduct any unused balance of the energy tax credit from tax otherwise payable by the corporation under this Part in any one or more of the corporation's seven subsequent taxation years if, in any taxation year the energy tax credit is carried forward, the total energy tax credit deducted from tax otherwise payable under this Part does not exceed the amount in clause (2)(b) that is applicable for the taxation year.

(4) Where, in a particular taxation year of a corporation that is a beneficiary under a trust, an amount would, if the trust were a corporation, be determined in respect of the trust under clause (1)(b) for its taxation year ending in that particular taxation year, the portion of that amount that may, having regard to all circumstances, including the terms and conditions of the trust, reasonably be considered to be the corporation's share thereof is the amount required to be added in computing the energy tax credit of the corporation at the end of that particular taxation year.

(5) Where, in a particular taxation year of a corporation that is a member of a partnership, an amount would, if the partnership were a corporation, be determined in respect of the partnership under clause (1)(b) for its taxation year ending in that particular taxation year, the portion of that amount that may reasonably be considered to be the corporation's share thereof is the amount required to be added in computing the energy tax credit of the corporation at the end of that particular taxation year.

(6) Where, after June 30, 2006, there has been an amalgamation within the meaning of subsection 87(1) of the Federal Act and one or more of the predecessor corporations had an energy tax credit for any taxation year any portion of which was not deducted by the predecessor corporation in computing its tax otherwise payable under this Act for any taxation year, for the purpose of computing the new corporation's energy tax credit at the end of any taxation year, the new corporation is deemed to be the same corporation as, and a continuation of, each such predecessor corporation.

(7) Where, after June 30, 2006, there has been a winding-up to which subsection 88(1) of the Federal Act applies and the subsidiary had an energy tax credit for any taxation year any portion of which was not deducted by the subsidiary in computing its tax otherwise payable under this Act for any taxation year, and with reference to paragraph 88(1)(e.3) of the Federal Act, for the purpose of computing the parent's energy tax credit at the end of any particular taxation year ending after the subsidiary was wound up, the parent is deemed to be the same corporation as, and a continuation of, the subsidiary.

(8) A corporation may renounce the energy tax credit on or before the date by which the corporation is required to file its return of income for the year under section 150 of the Federal Act and, where the corporation so renounces entitlement to that credit, the corporation is deemed for all purposes never to have received, to have been entitled to receive or to have had a reasonable expectation of receiving that credit.

## PART IX

## LIQUOR CONTROL ACT

**28** Chapter 260 of the Revised Statutes, 1989, the *Liquor Control Act*, is amended by adding immediately after Section 50 the following Section:

50A Any fees paid before or after the coming into force of this Section under the authority of this Act or the regulations for applications for a license or the issuance, transfer or renewal of a license are deemed to be license fees for the purpose of raising a revenue for the Province as authorized by subsection 92(9) of the *Constitution Act, 1867*.

## PART X

## MEMBERS AND PUBLIC EMPLOYEES DISCLOSURE ACT

**29** Subclause 21A(1)(a)(ii) of Chapter 4 of the Acts of 1991, the *Members and Public Employees Disclosure Act*, as enacted by Chapter 1 of the Acts of 2007, is amended by striking out "received at least fifteen per cent of the votes cast" in the third and fourth lines and substituting "was registered pursuant to Section 177A of the *Elections Act* on January 1, 2007".

## PART XI

## MOTOR VEHICLE ACT

**30** Subsection 68(1) of Chapter 293 of the Revised Statutes, 1989, the *Motor Vehicle Act*, is amended by striking out "one hundred dollars" in the fourth line and substituting "one hundred and six dollars and eighty cents".

## PART XII

## MUNICIPAL GOVERNMENT ACT

**31** Section 471 of Chapter 18 of the Acts of 1998, the *Municipal Government Act*, as amended by Chapter 9 of the Acts of 2003, is further amended by adding immediately after subsection (2) the following subsection:

(3) An applicant is not required pursuant to subsection (2) to pay a fee for the first two hours spent locating and retrieving a record.

**32** Subsections 487(4) to (6) of Chapter 18 are repealed.

## PART XIII

## PAYMENT INTO COURT ACT

**33** Section 4 of Chapter 338 of the Revised Statutes, 1989, the *Payment into Court Act*, as amended by Chapter 3 of the Acts of 2004, is further amended by striking out "thirty-three" in the sixth line and substituting "sixty-nine".

## PART XIV

## PERSONAL PROPERTY SECURITY ACT

**34** Subsection 44A(1) of Chapter 13 of the Acts of 1995-96, the *Personal Property Security Act*, as enacted by Chapter 3 of the Acts of 2004, is amended by

- (a) striking out "\$21.30" in the fifth line of clause (a) and substituting "\$22.75";
- (b) striking out "\$7.45" in the seventh line of clause (a) and substituting "\$7.96";
- (c) striking out "\$500.00" in the fourth line of clause (b) and substituting "\$534.00";
- (d) striking out "\$7.45" in the fifth line of clause (c) and substituting "\$7.96";
- (e) striking out "\$500.00" in the fourth line of clause (d) and substituting "\$534.00";
- (f) striking out "\$10.00" in clause (e) and substituting "\$10.68"; and
- (g) striking out "\$500.00" in the second line of clause (f) and substituting "\$534.00".

## PART XV

## PROBATE ACT

**35** Subsection 87(2) of Chapter 31 of the Acts of 2000, the *Probate Act*, as amended by Chapter 5 of the Acts of 2001, Chapter 5 of the Acts of 2002 and Chapter 3 of the Acts of 2004, is further amended by

- (a) striking out "70" in clause (a) and substituting "74.76";
  - (b) striking out "176" in the second line of clause (b) and substituting "187.97";
  - (c) striking out "293" in the second line of clause (c) and substituting "312.92";
  - (d) striking out "820" in the second line of clause (d) and substituting "875.76";
  - (e) striking out "820" in the first line of clause (e) and substituting "875.76";
- and

- (f) striking out "\$13.85" in the second line of clause (e) and substituting "14.79".

## PART XVI

### PUBLIC SERVICE SUPERANNUATION ACT

36 Subsection 9(1) of Chapter 377 of the Revised Statutes, 1989, the *Public Service Superannuation Act*, as amended by Chapter 3 of the Acts of 2004, is further amended by

- (a) striking out "six" in the first line of clause (a) and substituting "seven";
- (b) striking out clause (b) and substituting the following clause:
  - (b) nine and six-tenths per cent of the amount of the employee's salary in excess of the Year's Maximum Pensionable Earnings within the meaning of the Canada Pension Plan;

and

- (c) striking out "eight" in the first line of clause (c) and substituting "nine and six-tenths".

## PART XVII

### REVENUE ACT

37 Subsection 34(1) of Chapter 17 of the Acts of 1994-95, the *Revenue Act*, as amended by Chapter 21 of the Acts of 1996, Chapter 3 of the Acts of 1997, Chapter 13 of the Acts of 1998, Chapter 5 of the Acts of 1999 (2nd Session), Chapter 3 of the Acts of 2001, Chapter 48 of the Acts of 2001, Chapter 5 of the Acts of 2002, Chapter 4 of the Acts of 2003 and Chapter 3 of the Acts of 2004, is further amended by

- (a) striking out "fifteen" in the first line of clause (a) and substituting "sixteen";
- (b) striking out "fourteen" in the first line of clause (b) and substituting "fifteen";
- (c) striking out "fifteen" in the first line of clause (c) and substituting "sixteen"; and
- (d) striking out "six" in the first line of clause (e) and substituting "seven".

## PART XVIII

### SALES TAX ACT

38 (1) Subsection 13(1) of Chapter 31 of the Acts of 1996, the *Sales Tax Act*, as amended by Chapter 2 of the Acts of 2006, is further amended by

- (a) adding immediately after clause (d) the following clause:

(da) providing for a payment to a non-resident person or a registrant, of an amount equal to the tax, in whole or in part, paid or payable pursuant to Part IX of the *Excise Tax Act* (Canada) in respect of a supply of a tour package or foreign convention;

and

(b) adding "or (da)" immediately after "(d)" in the last line of clause (fa).

(2) Section 13 of Chapter 31, as amended by Chapter 2 of the Acts of 2006, is further amended by adding immediately after subsection (3) the following subsections:

(3A) The Minister may prescribe the form, content and manner of making an application for a payment under clause (1)(da).

(3B) A regulation made pursuant to clause (1)(da) may be made retroactive to April 1, 2007.

**39 Section 13A of Chapter 31 is repealed and the following Section substituted:**

13A Part IV of the *Revenue Act* applies *mutatis mutandis* to purchasers who receive any payment under regulations made pursuant to clause 13(1)(d) and to suppliers who provide such payments on behalf of Her Majesty in right of the Province.

## PART XIX

### SECURITIES ACT

**40 Chapter 418 of the Revised Statutes, 1989, the *Securities Act*, is amended by adding immediately after Section 150C the following Section:**

150D Any fees paid under the authority of this Act, the regulations or the rules for applications to the Commission or accompanying materials filed with the Commission before or after the coming into force of this Section are deemed to be licence fees for the purpose of raising a revenue for the Province as authorized by subsection 92(9) of the *Constitution Act, 1867*.

## PART XX

### TRUST AND LOAN COMPANIES ACT

**41 Section 16A of Chapter 7 of the Acts of 1991, the *Trust and Loan Companies Act*, is repealed and the following Section substituted:**

16A The annual taxes and taxes for letters patent of incorporation and supplementary letters patent and the taxes in respect of the functions performed by the Superintendent under this Act or the regulations are as follows:

(a) the tax for

(i) filing and processing an application for letters patent or supplementary letters patent . . . . . \$568.71,



- (ii) letters patent of incorporation for a trust or loan company .....\$5,687.10,
- (iii) supplementary letters patent
  - (A) to change a company's name. ....\$568.71
  - (B) to continue a provincial loan company as a trust company .....\$2,274.84
  - (C) to continue a provincial trust company as a loan company .....\$2,274.84
  - (D) to change the municipal unit in which the principal place of business of the company is to be located. ....\$568.71
  - (E) to amalgamate two or more companies and to continue them as one company ....\$4,549.68
  - (F) to modify or alter the share structure of the company .....\$1,137.42;
- (b) the tax for processing an application for
  - (i) initial licensing of a company .....\$1,137.42,
  - (ii) changing a loan company to a trust company or changing a trust company to a loan company .....\$1,137.42,
  - (iii) changing terms, conditions and restrictions of registration .....\$1,137.42;
- (c) the annual tax for companies to be paid as of the 30th day of June in each year
  - (i) where the assets of the company do not exceed \$50,000,000 .....\$3,412.26,
  - (ii) where the assets of the company are over \$50,000,000 but do not exceed \$100,000,000 .....\$4,549.68,
  - (iii) where the assets of the company are over \$100,000,000 but do not exceed \$500,000,000 .....\$5,687.10,
  - (iv) where the assets of the company are over \$500,000,000 but do not exceed \$1,000,000,000 .....\$6,824.52,
  - (v) where the assets of the company are over \$1,000,000,000 but do not exceed \$5,000,000,000 .....\$9,099.36,
  - (vi) where the assets of the company are over \$5,000,000,000 .....\$11,374.20,

- (vii) in addition to the amount prescribed in subclause (vi), for every \$1,000,000,000 in assets in excess of \$5,000,000,000 . . . . . \$1,137.42;
- (d) the tax for revival of licence after dissolution . . . . . \$1,137.42;
- (e) the tax for processing an application for an increase in borrowing multiple . . . . . \$1,137.42;
- (f) the tax for a copy of a decision of the Superintendent or Appeal Board, per page (minimum fee \$10.00) . . . . . \$2.28;
- (g) the tax for a certificate issued by the Superintendent with respect to the licence of a company . . . . . \$22.75;
- (h) the tax for copies of extracts from documents filed with the Superintendent, per page (minimum fee \$10.00) . . . . . \$2.28;
- (i) the tax for a certificate issued by the Superintendent other than the certificate referred to in clause (g). . . . . \$22.75;
- (j) the tax for examining and passing on applications or documents not specifically referred to in the regulations. . . . . \$1,137.42;
- (k) the tax for an application to obtain consent of the Superintendent to the transfer of shares . . . . . \$284.36;
- (l) the tax for an application to obtain consent of the Superintendent to the transfer of shares where such transfer results in the change of control of the company. . . . . \$2,274.84;
- (m) the tax for examining the loan or trust register or the public file of a company, per register or file . . . . . \$11.37.

## PART XXI

### WIND TURBINE FACILITIES MUNICIPAL TAXATION ACT

**42** Subsection 2(2) of Chapter 22 of the Acts of 2006, the *Wind Turbine Facilities Municipal Taxation Act*, is amended by striking out "September" in the second line and substituting "March".

**43** Section 10 of Chapter 22 is repealed and the following Section substituted:

10 Notwithstanding the *Assessment Act*, the *Municipal Grants Act* or any other enactment, the capitalized value of taxes paid pursuant to this Act shall be used in the calculation of uniform assessment pursuant to Section 14 of the *Municipal Grants Act*.



## PART XXII

## EFFECTIVE DATES

**44 (1)** This Act, except Sections 4 to 7, 13 to 19, 21, 23, 25 to 27, 29, 30, 33 to 37, 39 and 41 to 43, come into force on such day as the Governor in Council orders and declares by proclamation.

**(2)** Section 17, subsection 18(2) and Section 23 have effect on and after January 1, 2005, upon the Governor in Council so ordering and declaring by proclamation.

**(3)** Sections 14 and 15 and subsection 18(1) have effect on and after January 1, 2006, upon the Governor in Council so ordering and declaring by proclamation.

**(4)** Sections 7, 13 and 25 to 27 have effect on and after July 1, 2006, upon the Governor in Council so ordering and declaring by proclamation.

**(5)** Section 39 has effect on and after December 1, 2006, upon the Governor in Council so ordering and declaring by proclamation.

**(6)** Sections 16, 19, 21 and 29 have effect on and after January 1, 2007, upon the Governor in Council so ordering and declaring by proclamation.

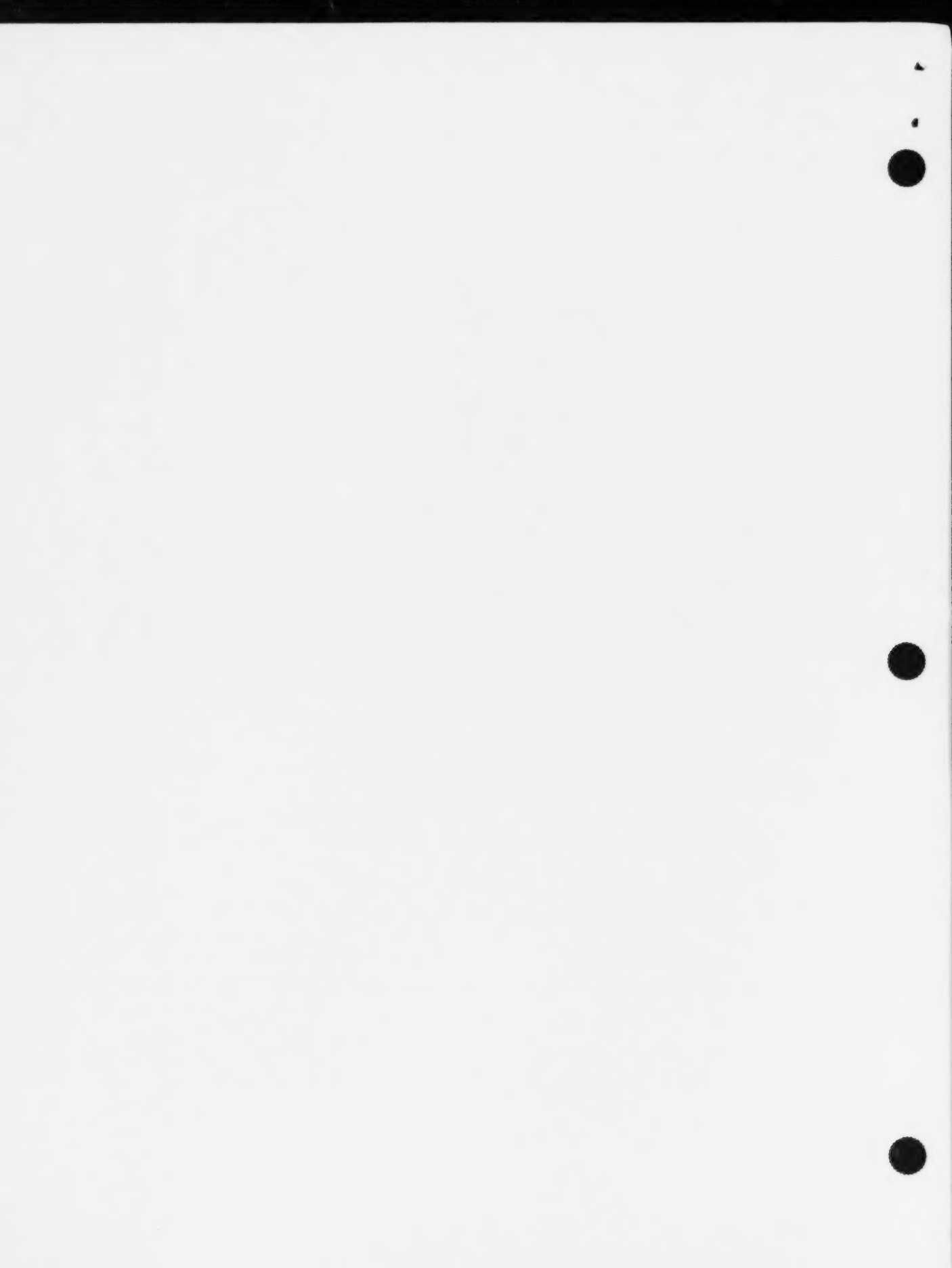
**(7)** Sections 42 and 43 have effect on and after January 12, 2007, upon the Governor in Council so ordering and declaring by proclamation.

**(8)** Section 37 has effect on and after March 24, 2007, upon the Governor in Council so ordering and declaring by proclamation.

**(9)** Sections 4 to 6, 33 to 36 and 41 have effect on and after April 1, 2007, upon the Governor in Council so ordering and declaring by proclamation.

**(10)** Section 30 has effect on and after June 1, 2007, upon the Governor in Council so ordering and declaring by proclamation.

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# **BILL NO. 106**

*Private Member's Bill*

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*1st Session, 60th General Assembly  
Nova Scotia  
55 Elizabeth II, 2006*

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## **An Act to Respecting Fees Collected by the Government of Nova Scotia**

CHAPTER 8  
ACTS OF 2007

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
APRIL 13, 2007**

Diana Whalen  
*Halifax Clayton Park*

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*Halifax, Nova Scotia  
Printed by Authority of the Speaker of the House of Assembly*

11/1/11



## **An Act to Respecting Fees Collected by the Government of Nova Scotia**

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Fees Act*.

2 In this Act,

(a) "department" means a department established by or pursuant to the Public Service Act;

(b) "fee" means a charge, or a series of charges, levied by a department or office to individuals, companies, organizations or jurisdictions external to the Government of the Province for specific regulatory applications, licences, permits, approvals, renewals, amendments, registrations, certifications, filings, administration fees and inspections, but does not include charges

(i) charged by one department or office to another department or office or to another government,

(ii) for the lease or use of Government facilities or assets,

(iii) for easements and right of ways,

(iv) for the utilization of Crown land, assets and natural resources,

(v) for the purchase of commercial products,

(vi) for premiums in relation to Government-provided insurance programs,

(vii) for interest in relation to Government loan programs,

(viii) for incidental administrative services, or

(ix) if the amount of the charges is provided for in a statute;

(c) "minister" means a member of the Executive Council and includes any official authorized to act on the minister's behalf or in the minister's stead;

(d) "office" means an office established by or pursuant to the *Public Service Act*.

3 This Act binds Her Majesty in right of the Province.

4 Neither the Governor in Council, nor any minister nor any other official designated under any enactment as having the authority to increase a fee charged by a department or office may increase the fee unless the minister responsible for the department or office has

(a) presented notice of the increase in the fee to the House of Assembly if the House is then sitting or, if it is not then sitting, to the Clerk of the Assembly; and

(b) provided details of the fees to be collected, including

(i) the purpose and amount of the fee,

(ii) the total revenue expected from the fee, and

(iii) whether the fee is designed to recover the full or partial costs of administering a regulatory scheme or providing a service, or to generate revenue in excess of the cost of providing the service.

**5 (1)** The Governor in Council may make regulations

- (a) defining any word or expression used but not defined in this Act;
- (b) the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.

**(2)** The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*.

**6** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

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# **BILL NO. 146**

*Government Bill*

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*1st Session, 60th General Assembly  
Nova Scotia  
56 Elizabeth II, 2007*

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## **An Act Respecting Environmental Goals and Sustainable Prosperity**

CHAPTER 7  
ACTS OF 2007

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
APRIL 13, 2007**

The Honourable Mark Parent  
*Minister of Environment and Labour*

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*Halifax, Nova Scotia  
Printed by Authority of the Speaker of the House of Assembly*





## **An Act Respecting Environmental Goals and Sustainable Prosperity**

Be it enacted by the Governor and Assembly as follows:

**1** This Act may be cited as the *Environmental Goals and Sustainable Prosperity Act*.

**2** In this Act,

(a) “emission target” means an emission target set out in this Act or established by the regulations;

(b) “greenhouse gas” means any of the following gases:

(i) carbon dioxide,

(ii) methane,

(iii) nitrous oxide,

(iv) hydrofluorocarbons,

(v) perfluorocarbons, and

(vi) sulphur hexafluoride;

(c) “legally protected” includes designated and protected under the *Wilderness Areas Protection Act*, under the *Special Places Protection Act*, as a national park under the *National Parks Act* (Canada), under the *Conservation Easements Act* or under the *Canada Wildlife Act* (Canada), primarily dedicated to the protection of biodiversity and natural processes under the *Provincial Parks Act* or held by non-government charitable land trusts;

(d) “Minister” means the Minister of Environment and Labour;

(e) “net loss of wetlands” means net loss of wetland area and function, including habitat.

**3** **(1)** This Act builds on the foundation that the Province has achieved as a world leader in

(a) recycling programs and in managing waste to protect the environment;  
and

(b) leading-edge innovation in environmentally sustainable technologies.

**(2)** This Act is based on the following principles:

(a) the health of the economy, the health of the environment and the health of the people of the Province are interconnected;

(b) environmentally sustainable economic development that recognizes the economic value of the Province’s environmental assets is essential to the long-term prosperity of the Province;

(c) the environment and the economy of the Province are a shared responsibility of all levels of government, the private sector and all people of the Province;

(d) the environment and economy must be managed for the benefit of present and future generations;

(e) innovative solutions are necessary to mutually reinforce the environment and the economy;

(f) a long-term approach to planning and decision-making is necessary to harmonize the Province's goals of economic prosperity and environmental sustainability;

(g) the management of goals for sustainable prosperity, such as emission reduction, energy efficiency programs and increasing the amount of legally protected land will preserve and improve the Province's environment and economy for future generations.

4 (1) The long-term environmental and economic objective of the Province is to fully integrate environmental sustainability and economic prosperity and to this end to

(a) demonstrate international leadership by having one of the cleanest and most sustainable environments in the world by the year 2020; and

(b) provide certainty to all sectors of the economy through the Government's economic development strategy entitled *Opportunities for Sustainable Prosperity* and establish clear environmental goals while improving the Province's economic performance to a level that is equal to or above the Canadian average by the year 2020.

(2) To achieve the long-term objectives set forth in subsection (1), the Province's environmental and economic goals are to ensure

(a) twelve per cent of the total land mass of the Province will be legally protected by the year 2015;

(b) the Province will adopt emissions standards for greenhouse gases and air pollutants from new motor vehicles, such as the standards adopted by the State of California by the year 2010;

(c) emissions of nitrogen oxides will be reduced by twenty per cent by the year 2009 relative to emissions in the year 2000;

(d) sulphur dioxide emissions will be reduced by fifty per cent by the year 2010 from sources existing in 2001;

(e) greenhouse gas emissions will be at least ten per cent below the levels that were emitted in the year 1990 by the year 2020, as outlined in the New England Governors and Eastern Canadian Premiers Climate Change Action Plan of 2001;

(f) mercury emissions will be reduced by seventy per cent by the year 2010 relative to pre-2001 levels;

(g) eighteen and one-half per cent of the total electricity needs of the Province will be obtained from renewable energy sources by the year 2013;

(h) the Province will meet the Canada Wide Standard established by the Canadian Council of Ministers of the Environment for airborne fine-particulate matter by the year 2010;

(i) the Province will meet the Canada Wide Standard established by the Canadian Council of Ministers of the Environment for ground-level ozone by the year 2010;

(j) municipal public drinking-water supplies will meet the Province's treatment standards by the year 2008;

(k) a comprehensive water-resource management strategy will be developed by the year 2010;

(l) wastewater treatment facility discharges will be provided at least primary treatment by the year 2017;

(m) regulatory tools that use the framework within the *Environment Act* to stimulate redevelopment of contaminated land and contribute to economic development while protecting the environment will be developed by the year 2010;

(n) a policy of preventing net loss of wetlands will be established by the year 2009;

(o) the solid-waste disposal rate will be no greater than three hundred kilograms per person per year by the year 2015 through measures that include the development of new programs and product stewardship regulations;

(p) septage treatment facilities will be operated in accordance with the *Guidelines for the Handling, Treatment and Disposal of Septage* by the year 2011;

(q) a sustainable procurement policy for the Province will be developed and adopted by the year 2009;

(r) all new residential dwelling units constructed in the Province that are within the scope of Part 9 of the *National Building Code of Canada* will be required to display an EnerGuide rating by the year 2008;

(s) all new residential dwelling units constructed in the Province will be required to achieve an EnerGuide rating of 80, or meet energy conservation measures adopted in the Nova Scotia *Building Code Regulations* made under the *Building Code Act* after January 1, 2011;

(t) a government facility will be constructed as a demonstration facility in accordance with a leading standard for building energy efficiency and sustainability, such as the *Leadership in Energy Efficiency and Environmental Design* standard by the year 2015; and

(u) the Province will adopt strategies to ensure the sustainability of the Province's natural capital in the areas of forestry, mining, parks and biodiversity by the year 2010.

(3) The Governor in Council may make regulations

(a) establishing interim emission targets for the Province;

(b) establishing environmental goals and interim goals for different sectors of the economy of the Province for the purpose of meeting the environmental goals for the Province referred to in subsection (2);

(c) establishing additional environmental goals from time to time;

(d) imposing environmental levies on disposable products for the purpose of funding programs or stewardship agreements to address their environmental impacts.

(4) The exercise by the Governor in Council of the authority contained in subsection (3) is regulations within the meaning of the *Regulations Act*.

5 For the purpose of meeting the environmental and economic goals set out in Section 4 or other goals or targets, the Governor in Council may enter into agreements with representatives of different sectors of the economy of the Province respecting

(a) the establishment of objectives for sectors of the economy of the Province and for operations and undertakings within such sectors for the purpose of meeting emission targets;

(b) the establishment of minimum energy efficiency levels for operations and undertakings within sectors of the economy of the Province;

(c) schedules for achieving emission targets;

(d) the baselines to be used in conjunction with the establishment of an emission target for a sector of the economy of the Province;

(e) reporting requirements, including the methods and manner of reporting, to determine progress toward meeting emission targets;

(f) the methods and procedures for conducting sampling, analyses, tests, measurements, verification and monitoring of emissions, energy efficiency and energy conservation;

(g) reforms of and improvements to sectoral infrastructure;

(h) the creation of private or joint public and private funding pools to undertake or finance emission reduction projects;

(i) the implementation of technological changes;

(j) co-operation on technology development, demonstration and deployment;

(k) options for meeting emission targets;

(l) enforcement of compliance with the terms of the agreements, including the imposition of financial and non-financial penalties;

(m) any other matters related to environmental and economic goals or sustainable prosperity the Governor in Council considers to be appropriate.

6 (1) The Minister shall review the goals set out in this Act and the regulations that relate to the environment and sustainable prosperity and shall report annually to the House of Assembly on the progress made toward achieving those goals, on the adequacy of the goals and on anything that the Minister considers should be brought to the attention of the House in relation to goals for the environment and sustainable prosperity.

(2) The Minister shall request the Nova Scotia Round Table on Environmental Sustainability to carry out a comprehensive public review of this Act and the regulations every five years after this Act comes into force, and request the Round Table on Environmental Sustainability to submit to the Minister, within six months of initiating the review, a report with recommendations for amendments and improvements in the implementation of this Act.

(3) The annual report referred to in subsection (1) shall be tabled in the House of Assembly if the House is then sitting or, if the House is not then sitting, filed with the Clerk of the House.

(4) In preparing the annual report referred to in subsection (1), the Minister shall seek advice from the Nova Scotia Round Table on Environmental Sustainability.

7 (1) The Governor in Council may establish or participate in programs and other measures to carry out the purpose of this Act, including

- (a) programs and measures for the purpose of reducing greenhouse gas emissions;
- (b) programs and measures related to adaptation to the effects of climate change;
- (c) programs and measures related to energy conservation and energy efficiency;
- (d) programs and measures to develop alternative energy and renewable energy sources;
- (e) programs of public and community education and capacity-building; and
- (f) any other programs and measures related to sustainable prosperity the Governor in Council considers to be appropriate.

(2) A program or measure under subsection (1) may be directed to any or all of industry, consumers and other persons.

8 (1) The Governor in Council may enter into agreements with the Government of Canada or the government of a province of Canada, any agency of the Government of Canada or of the government of a province of Canada or any other person for the purpose of undertaking co-operative, complementary or compatible actions to reduce greenhouse gas emissions or meet other environmental goals set out in this Act and the regulations.

(2) The Governor in Council may not enter into any agreement under subsection (1) unless the Governor in Council is satisfied that the agreement will be consistent with this Act and with the environmental goals for the Province established by this Act and the regulations.

9 (1) The Governor in Council may make regulations

- (a) governing the manner in which economic performance is measured for the purpose of this Act;
- (b) establishing minimum energy efficiency levels for operations and undertakings in Nova Scotia;



(c) governing the maximum levels of emissions of greenhouse gases per unit of energy input or output or per unit of material input or product output for operations and undertakings in the Province;

(d) establishing operating, technological and performance standards for operations and undertakings in the Province for the purpose of reducing or limiting greenhouse gas emissions or for the purpose of increasing energy efficiency or energy conservation;

(e) governing reporting and record-keeping requirements generally for any purpose related to this Act;

(f) governing methods and procedures for conducting sampling, analyses, tests, measurements, verification and monitoring for any purpose related to this Act;

(g) for the purpose of enabling, implementing and carrying out sectoral agreements entered into under Section 5, including regulations respecting the enforcement of rights, obligations and liabilities under a sectoral agreement;

(h) making the terms of a sectoral agreement entered into under Section 5 apply, with necessary modifications, to persons who are not parties to the agreement or otherwise bound by it, and deeming those persons to be bound by the agreement;

(i) governing, in respect of a sector, any matter in respect of which a sectoral agreement may be entered into under Section 5 if there is no sectoral agreement in effect;

(j) respecting the use of economic and financial instruments and market-based approaches directed to any environmental and economic goals or targets;

(k) respecting the manner in which greenhouse gas emission targets are established for the purpose of Section 4;

(l) establishing or providing for the establishment of sectors of the economy of the Province for the purpose of any provision of this Act or the regulations;

(m) governing the charging of fees for the provision of any service, material or program, the performance of any function or the doing of anything under this Act;

(n) defining any word or expression used but not defined in this Act;

(o) respecting any matter that the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) A regulation under clause (1)(h) may, with respect to persons to whom it applies, impose requirements and obligations that are more stringent than those provided for in the sectoral agreement.

(3) Where regulations are made in respect of a sector under clause (1)(i), the regulations may provide that they constitute a sectoral agreement for the purpose of this Act.

(4) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*.

**10 (1)** A regulation under this Act may adopt or incorporate by reference, in whole or in part or with modifications, a written standard, rule, regulation, guideline, designation, code or document relating to any matter in respect of which a regulation may be made under this Act.

**(2)** A standard, rule, regulation, guideline, designation, code or document that is adopted or incorporated by reference under subsection (1) may be adopted or incorporated as it reads on a prescribed day or as it is amended from time to time.

**(3)** Where a standard, rule, regulation, guideline, designation, code or document is adopted or incorporated by reference under subsection (1), the Minister shall ensure that a copy of the standard, rule, regulation, guideline, designation, code or document is made publicly available.

**11** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

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# **BILL NO. 199**

*Government Bill*

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*1st Session, 60th General Assembly  
Nova Scotia  
56 Elizabeth II, 2007*

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## **An Act to Celebrate the 250th Anniversary of Democracy in Nova Scotia**

CHAPTER 6  
ACTS OF 2007

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
APRIL 13, 2007**

The Honourable Michael G. Baker, Q.C.  
*Government House Leader*

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*Halifax, Nova Scotia  
Printed by Authority of the Speaker of the House of Assembly*



## **An Act to Celebrate the 250th Anniversary of Democracy in Nova Scotia**

WHEREAS Nova Scotia is a province of many firsts;

AND WHEREAS the year 2008 marks the birth of democracy in Canada on the occasion of the 250th anniversary of representative government in Nova Scotia;

AND WHEREAS to commemorate and celebrate this important milestone, the House of Assembly would like to establish an entity to be known as Democracy 250;

THEREFORE be it enacted by the Governor and Assembly as follows:

- 1 This Act may be cited as the *Democracy 250 Act*.
- 2 (1) There is hereby established a body corporate to be known as Democracy 250.  
(2) Democracy 250 is not an agent of Her Majesty in right of the Province.  
(3) Democracy 250 has all of the attributes of a society incorporated pursuant to the *Societies Act*.
- 3 The objects of Democracy 250 are
  - (a) the celebration of our history, heritage and institutions;
  - (b) the education of young Nova Scotians and other Canadians on representative government and our parliamentary system, including the value of responsible government, and on democracy, including the importance of participation in the electoral process;
  - (c) the honouring of our veterans and military men and women in upholding and protecting our freedoms;
  - (d) recognizing good citizenship; and
  - (e) such other objects of a similar nature as Democracy 250 in its sole discretion shall decide.
- 4 Democracy 250 consists of
  - (a) co-chairs Dr John Hamm, M.D., and Russell MacLellan, Q.C.;
  - (b) the Speaker of the House of Assembly; and
  - (c) one representative from the caucus of each recognized party in the House.
- 5 Democracy 250 may accept donations, which are donations to the Province, as a province of Canada, within the meaning of the *Income Tax Act* and *Income Tax Act (Canada)*.

6 Democracy 250 may expend such sums as are allotted to it from time to time by the Legislature and expend such other funds as are obtained from donations or other sources.

7 Democracy 250 may hire administrative and other professional staff or personnel and compensate them for services if they are not members of the House of Assembly.

8 Democracy 250 shall terminate its affairs on or before December 31, 2008, and any assets or monies then standing to its credit belong to Her Majesty in right of the Province.

9 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

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# **BILL NO. 201**

*Government Bill*

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*1st Session, 60th General Assembly  
Nova Scotia  
56 Elizabeth II, 2007*

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## **An Act to Provide for Defraying Certain Charges and Expenses of the Public Service of the Province**

CHAPTER 5  
ACTS OF 2007

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
APRIL 13, 2007**

The Honourable Michael G. Baker, Q.C.  
*Minister of Finance*

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*Halifax, Nova Scotia  
Printed by Authority of the Speaker of the House of Assembly*



**An Act to Provide for  
Defraying Certain Charges and Expenses  
of the Public Service of the Province**

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Appropriations Act, 2007*.

2 The several sums of money hereinafter stated are granted to Her Honour the Lieutenant Governor for the purpose of defraying the undermentioned several charges and expenses of the public service for the fiscal year ending March 31, 2008:

Department of Agriculture . . . . .	\$ 49,837,000
Department of Community Services . . . . .	781,783,000
Department of Economic Development . . . . .	74,666,000
Department of Education . . . . .	1,188,445,000
Assistance to Universities, Department of Education . . . . .	250,805,000
Department of Energy . . . . .	20,261,000
Department of Environment and Labour . . . . .	34,767,000
Department of Finance . . . . .	25,619,000
Debt Servicing Costs, Department of Finance . . . . .	954,338,000
Department of Fisheries and Aquaculture . . . . .	5,773,000
Department of Health . . . . .	2,959,112,000
Department of Health Promotion and Protection . . . . .	49,743,000
Department of Justice . . . . .	128,205,000
Department of Natural Resources . . . . .	76,902,000
Communications Nova Scotia . . . . .	8,184,000
Emergency Management Office of Nova Scotia . . . . .	1,554,000
Executive Council . . . . .	28,012,000
FOIPOP Review Office . . . . .	383,000
Government Contributions to Benefit Plans . . . . .	8,243,000
Human Rights Commission . . . . .	2,105,000
Legislative Services . . . . .	26,148,000
Nova Scotia Advisory Council on the Status of Women . . . . .	916,000
Nova Scotia Business Inc. . . . .	26,615,000
Nova Scotia Police Complaints Commissioner . . . . .	356,000
Nova Scotia Securities Commission . . . . .	2,168,000

Nova Scotia Utility and Review Board .....	3,740,000
Office of the Auditor General .....	3,157,000
Office of the Ombudsman .....	1,445,000
Public Prosecution Service .....	17,647,000
Senior Citizens' Secretariat .....	1,286,000
Service Nova Scotia and Municipal Relations .....	121,743,000
Department of Tourism, Culture and Heritage .....	49,231,000
Department of Transportation and Public Works .....	319,755,000
Restructuring Costs .....	118,143,000
Pension Valuation Adjustment .....	68,603,000
Capital Purchase Requirements .....	254,000,000
Sinking Fund Instalments and Serial Retirements .....	87,714,000

3 The said several sums shall be paid by the Minister of Finance subject to the provisions of the statutes in that behalf out of the moneys that are applicable to the several purposes for which the said several sums are granted.

4 The Governor in Council is authorized, for the purposes of Sections 46 and 52 of the *Provincial Finance Act*, and the Minister of Finance is authorized, for the purposes of borrowing for a term greater than one calendar year pursuant to Sections 47 and 52 of that Act, to borrow or raise by way of loan on the credit of the Province, either before or after the expiration of the said fiscal year, and in addition to borrowings authorized by other enactments, the sum of \$1,000,000,000 for the public service.

5 This Act has effect on and after April 1, 2007.